

# EXHIBIT “L”

**In The Matter Of:**  
*EDWARD CARTER, ET AL. vs.*  
*INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.*

---

*FRANK FIORELLO*  
*February 20, 2009*

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*Precise Court Reporting*  
*200 Old Country Road*  
*Suite 110*  
*Mineola, New York 11501*  
*516-747-9393 718-343-7227 212-581-2570*

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Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK  
4 -----X  
5 EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM,  
6 JOSEPH NOFI, and THOMAS SNYDER,  
7 Plaintiffs,  
8 -against- Case No. 07-Civ-1215  
9 (SJF)(ETB)  
10 INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR  
11 JOSEPH C. LOEFFLER, JR., individually and in  
12 his official capacity; former mayor NATALIE  
13 K. ROGERS, individually and in her official  
14 capacity; OCEAN BEACH POLICE DEPARTMENT;  
15 ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,  
16 individually and in his official capacity;  
17 SUFFOLK COUNTY; SUFFOLK COUNTY POLICE  
18 DEPARTMENT; SUFFOLK COUNTY DEPARTMENT: OF  
19 CIVIL SERVICE; and ALISON SANCHEZ,  
20 individually and in her official capacity,  
21 Defendants.  
22 -----X  
23  
24 85 Fifth Avenue  
25 New York, New York  
  
February 20, 2009  
10:03 A.M.  
  
VIDEOTAPE DEPOSITION of FRANK  
FIORILLO, taken pursuant to the Federal  
Rules of Civil Procedure, and Notice, held  
at the above-mentioned time and place before  
Edward Leto, a Notary Public of the State of  
New York.

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1  
2 A P P E A R A N C E S:  
3 THOMPSON WIGDOR & GILLY LLP  
4 Attorneys for Plaintiffs  
5 85 Fifth Avenue  
6 New York, New York 10003  
7 BY: ANDREW S. GOODSTADT, ESQ.  
8 RIVKIN RADLER LLP  
9 Attorneys for Defendants  
10 Incorporated Village of Ocean  
11 Beach, Mayor Joseph C. Loeffler,  
12 Jr., former Mayor Natalie K.  
13 Rogers, and Ocean Beach Police  
14 Department  
15 926 Reckson Plaza  
16 Uniondale, New York 11556  
17 BY: KENNETH A. NOVIKOFF, ESQ.  
18 MARK, O'NEILL, O'BRIEN & COURTNEY, P.C.  
19 Attorneys for Defendant Acting  
20 Deputy Police Chief George B.  
21 Hesse  
22 530 Saw Mill River Road  
23 Elmsford, New York 10523  
24 BY: KEVIN W. CONNOLLY, ESQ.  
25  
SUFFOLK COUNTY ATTORNEY'S OFFICE  
Attorneys for Defendants Suffolk  
County, Suffolk County Police  
Department, Suffolk County  
Department of Civil Service, and  
Alison Sanchez  
100 Veterans Memorial Highway  
Hauppauge, New York 11788  
BY: ARLENE ZWILLING, ESQ.  
  
ALSO PRESENT  
Kenneth Gray, General Counsel, Ocean  
Beach Police Department  
Albert Santana, Legal Video Specialist

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1  
2 IT IS HEREBY STIPULATED AND  
3 AGREED by and among counsel for the  
4 respective parties hereto, that the filing,  
5 sealing and certification of the within  
6 deposition shall be and the same are hereby  
7 waived;  
8 IT IS FURTHER STIPULATED AND  
9 AGREED that all objections, except to the  
10 form of the question, shall be reserved to  
11 the time of the trial;  
12 IT IS FURTHER STIPULATED AND  
13 AGREED that the within deposition may be  
14 signed before any Notary Public with the  
15 same force and effect as if signed and sworn  
16 to by the Court.

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1 F. Fiorillo  
2 THE VIDEOGRAPHER: This is tape  
3 number one in the videotape deposition  
4 of Frank Fiorillo in the matter of  
5 Edward Carter, et al, Plaintiffs,  
6 versus Incorporated Village of Ocean  
7 Beach, et al, Defendants, in the United  
8 States District Court, Eastern District  
9 of New York, case number  
10 07-CIV-1215(SJF)(ETB), on February 20,  
11 2009 at approximately 10:16 a.m.  
12 I'm Albert Santana from the firm  
13 of Precise Court Reporting and I am the  
14 legal video specialist. The court  
15 reporter is Ed Leto in association with  
16 Precise Court Reporting.  
17 For the record, will counsel  
18 please introduce themselves.  
19 MR. GOODSTADT: Andrew  
20 Goodstadt, Thompson, Wigdor & Gilly, on  
21 behalf of the Plaintiffs.  
22 MR. NOVIKOFF: On behalf of all  
23 the Village Defendants, except Sergeant  
24 Hesse, Ken Novikoff, Rivkin Radler.  
25 MR. CONNOLLY: On behalf of

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1 F. Fiorillo  
2 Defendant George B. Hesse, Kevin W.  
3 Connolly of Mark, O'Neill, O'Brien &  
4 Courtney.  
5 MR. GRAY: Kenneth Gray from  
6 the law firm Bee Ready Fishbein Hatter  
7 & Donovan, Village attorneys, Village  
8 of Ocean Beach.  
9 MS. ZWILLING: For the County  
10 Defendants, Arlene Zwilling for  
11 Christine Malafi, Suffolk County  
12 Attorney.  
13 THE VIDEOGRAPHER: Now will the  
14 court reporter please swear in the  
15 witness.  
16 FRANK FIORILLO, having first  
17 been duly sworn by a Notary Public of the  
18 State of New York, was examined and  
19 testified as follows:  
20 THE REPORTER: Please state  
21 your name for the record.  
22 THE WITNESS: Frank Fiorillo.  
23 THE REPORTER: Please state  
24 your address.  
25 THE WITNESS: 7 Wellwood

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1 F. Fiorillo  
2 Avenue, Farmingdale, New York 11735.  
3 THE REPORTER: Thank you.  
4 MR. NOVIKOFF: Andrew, regular  
5 stips?  
6 MR. GOODSTADT: Yes.  
7 MR. NOVIKOFF: Okay.  
8 EXAMINATION BY  
9 MR. NOVIKOFF:  
10 Q. Mr. Fiorillo, at any point in  
11 time in the year 2005, did you receive  
12 unemployment benefits?  
13 A. No. I think it was 2006.  
14 Q. So the answer would be "no"?  
15 A. The answer would be, to the best  
16 of my recollection, I was -- I was  
17 working --  
18 Q. I don't need -- my answer was  
19 just yes or no or if you don't recall, you  
20 don't recall?  
21 A. I don't recall 2005.  
22 Q. How about 2004?  
23 A. No. I was working then.  
24 Q. How about 2003?  
25 A. No.

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1 F. Fiorillo  
2 Q. How about 2006?  
3 A. I believe so.  
4 Q. When did you first apply for  
5 unemployment benefits?  
6 A. In I would say the spring of  
7 2006.  
8 Q. Was it before or after you were  
9 advised by Ocean Beach that you would not be  
10 working for them for the 2006 season?  
11 MR. GOODSTADT: Just so we're  
12 on the same agreement --  
13 MR. NOVIKOFF: Same  
14 understanding. In fact, I even phrased  
15 the question so we wouldn't have to do  
16 that.  
17 MR. GOODSTADT: Right. Right.  
18 A. I'm not quite sure what month it  
19 started, but it was in the springtime of  
20 2006 I believe.  
21 Q. No. My question is in what  
22 month, sir. It's in relation to when you  
23 were advised by Ocean Beach. So let me  
24 maybe back it up a little bit. Do you  
25 recall being advised by anyone at Ocean

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1 F. Fiorillo  
2 Beach that you would not be working for them  
3 for the 2006 season?  
4 A. Well, let's see. On April 2,  
5 2006, that was the day I was fired.  
6 MO MR. NOVIKOFF: Well, that's  
7 nice. Motion to strike.  
8 Q. My answer is, do you recall --  
9 it's a yes or no question, sir -- do you  
10 recall being advised by anyone at Ocean  
11 Beach that you were not going to work for  
12 them for the 2006 season, yes or no?  
13 A. At what time?  
14 Q. I'll rephrase the question. Were  
15 you advised at any point in time in 2006  
16 that you were not going to work for Ocean  
17 Beach for the 2006 season?  
18 A. Yes.  
19 Q. Were you advised by someone at  
20 Ocean Beach?  
21 A. Yes.  
22 Q. Who were you advised by?  
23 A. George Hesse.  
24 Q. Okay. What month were you  
25 advised by George Hesse?

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1 F. Fiorillo  
2 A. April.  
3 Q. What day in April?  
4 A. The second day.  
5 Q. Okay. Now with regard to  
6 unemployment benefits, did you apply for  
7 unemployment benefits before April 2, 2006?  
8 A. I might have. I'm not -- I don't  
9 recall.  
10 Q. Okay. Were you working at any  
11 job in 2006 prior to April 2, 2006?  
12 A. Yes.  
13 Q. What were you working -- what  
14 job were you working at?  
15 A. I was working as a driver. As a  
16 driver.  
17 Q. For whom?  
18 A. For LLC Maintenance.  
19 Q. Okay. And how much -- were you  
20 an hourly employee or an annual salaried  
21 employee?  
22 MR. GOODSTADT: Objection.  
23 A. How did they base it. I -- I  
24 guess it was based on, um, an annual salary.  
25 Q. What was your annual salary?

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1 F. Fiorillo  
2 A. I didn't work the whole year, so.  
3 Q. I understand, but when you first  
4 started, did they tell you what your annual  
5 salary would be?  
6 A. I think, approximately, the base  
7 salary was 60,000.  
8 Q. Okay. Now in 2006, prior to  
9 April 2, 2006, were you working for any  
10 other company or individual for which you  
11 were paid a salary?  
12 A. Yes.  
13 Q. For whom?  
14 A. In which year?  
15 Q. 2006, prior to April 2?  
16 A. Oh, in 2006? Ocean Beach.  
17 Q. Okay. And were you a seasonal  
18 employee in 2006 prior to April 2, 2006?  
19 MR. GOODSTADT: Objection.  
20 A. No.  
21 Q. Well, do you understand what I  
22 meant by the term "seasonal employee"?  
23 A. Absolutely.  
24 Q. What was your understanding?  
25 A. My understanding was if you

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1 F. Fiorillo  
2 worked two weeks -- approximately two weeks  
3 before Memorial Day and approximately two  
4 weeks after Labor Day, you were considered  
5 seasonal.  
6 Q. Okay. Were you a part -- to your  
7 understanding, in 2006, prior to April 2,  
8 were you a part-time employee for Ocean  
9 Beach?  
10 A. Yes.  
11 Q. Okay. Other than for Ocean Beach  
12 and other than for a driver, were you -- as  
13 a driver for that company, were you employed  
14 by any other entity or individual in 2006  
15 prior to April 2, 2006?  
16 A. I don't believe so.  
17 Q. Okay. After April 2, 2006 -- and  
18 we're only now in the year 2006 -- were you  
19 employed by anybody?  
20 A. After April 2, 2006?  
21 Q. Yes.  
22 A. No.  
23 Q. Okay. So if I -- and tell me if  
24 I'm wrong -- if I understood your testimony  
25 correctly, after April 2, 2006, for the

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1 F. Fiorillo  
2 remaining year 2006, you did not work for  
3 anybody for which you were paid?  
4 A. I don't believe so.  
5 Q. Okay. I notice you're wearing a  
6 suit today, sir. Have you been appearing at  
7 every deposition in this case?  
8 A. No.  
9 MR. GOODSTADT: Objection.  
10 Q. Do you recall what deposition you  
11 didn't appear for?  
12 MR. GOODSTADT: Objection.  
13 A. I'm not sure.  
14 Q. Okay. Were you at Mr. Richard  
15 Bosetti's deposition?  
16 A. Yes.  
17 Q. That was last week, correct?  
18 A. Um, I don't recall the exact day.  
19 Q. But do you recall it was last  
20 week?  
21 A. I would -- that would be fair to  
22 say.  
23 Q. Were you at Ms. Sanchez's  
24 deposition yesterday?  
25 A. No.

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1 F. Fiorillo  
2 Q. You were not at Ms. Sanchez's  
3 deposition yesterday?  
4 A. No, I was not.  
5 MS. ZWILLING: Two days ago.  
6 Q. I'm sorry, two days ago?  
7 A. Yes.  
8 Q. Okay. It seemed like yesterday.  
9 Were you wearing a suit in Ms. Sanchez's  
10 deposition?  
11 MR. GOODSTADT: Objection.  
12 A. I didn't know I was required to  
13 wear a suit.  
14 Q. That wasn't my question, sir.  
15 Did you wear a suit at Ms. Sanchez's  
16 deposition?  
17 MR. GOODSTADT: Objection.  
18 A. No.  
19 Q. Did you wear a suit at  
20 Mr. Bosetti's deposition?  
21 A. I didn't know --  
22 MR. GOODSTADT: Objection.  
23 A. -- I was required to.  
24 Q. That's interesting, but my  
25 question to you, yes or no, did you wear a

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1 F. Fiorillo  
2 suit at Mr. Bosetti's deposition?  
3 MR. GOODSTADT: Objection.  
4 A. I didn't know I had to.  
5 Q. Yes or no, sir?  
6 MR. GOODSTADT: Objection.  
7 Q. Did you wear a suit at  
8 Mr. Bosetti's deposition?  
9 A. Nobody --  
10 MR. GOODSTADT: Objection.  
11 A. -- told me I had to.  
12 Q. Is that a "no, I did not wear a  
13 suit"?  
14 A. I didn't wear one, but I wasn't  
15 advised to wear one. If I was advised to  
16 wear one, I would have.  
17 Q. So my question as to whether or  
18 not -- you know what, have you worn a suit  
19 at any other deposition?  
20 MR. GOODSTADT: Objection.  
21 A. As --  
22 MR. NOVIKOFF: What's the basis  
23 of the objection?  
24 MR. GOODSTADT: Well, first of  
25 all, any other deposition you mean with

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1 F. Fiorillo  
2 respect to this case? And second of  
3 all, this is so patently irrelevant,  
4 that going --  
5 MR. NOVIKOFF: Sir, at this --  
6 MR. GOODSTADT: Let me finish.  
7 You asked for the basis.  
8 MR. NOVIKOFF: You told me. It  
9 was patently irrelevant. And I  
10 understand that. And you said form.  
11 I'm rephrasing the form.  
12 MR. GOODSTADT: And you've  
13 actually instructed your witnesses not  
14 to answer on patent irrelevancy.  
15 That's why we have to bring a witness  
16 back.  
17 MR. NOVIKOFF: You happy you  
18 got that in, Andrew?  
19 MR. GOODSTADT: I'm just  
20 explaining to you. You asked for the  
21 basis for it.  
22 MR. NOVIKOFF: And you told me  
23 form. Patent irrelevancy.  
24 MR. GOODSTADT: I'm not done  
25 yet. You asked a question, let me

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1 F. Fiorillo  
2 finish the question. I want to answer  
3 the question.  
4 MR. NOVIKOFF: Go finish what  
5 you want to say.  
6 MR. GOODSTADT: Otherwise don't  
7 ask me the question.  
8 MR. NOVIKOFF: So finish.  
9 MR. GOODSTADT: I'm not  
10 instructing him not to answer at this  
11 point, but there's absolutely no basis  
12 for these questions. It's patently  
13 irrelevant and form.  
14 Q. At any other deposition that  
15 you've appeared on this case, have you worn  
16 a suit?  
17 MR. GOODSTADT: Objection.  
18 A. No.  
19 Q. The answer is "no"?  
20 A. Correct.  
21 Q. Okay. Sir, do you recall filing  
22 a Complaint or having your attorneys file a  
23 Complaint on your behalf in this matter?  
24 A. Yes.  
25 Q. Okay. And do you recall having

Page 17

1 F. Fiorillo  
2 your attorneys file a Notice of Claim on  
3 your behalf?  
4 A. Yes.  
5 Q. With Ocean Beach?  
6 A. Yes.  
7 Q. Okay. And with regard to the  
8 Notice of Claim, was your attorney  
9 Mr. Goodstadt's law firm?  
10 A. Well, the firm, Mr. Goodstadt.  
11 Q. Mr. Goodstadt's law firm, was  
12 Mr. Goodstadt's law firm your attorney when  
13 you filed a Notice of Claim?  
14 A. Yes.  
15 Q. And was Mr. Goodstadt's law firm  
16 your attorney when the Complaint in this  
17 matter was filed?  
18 A. Yes.  
19 Q. And do you recall reviewing any  
20 drafts of the Complaint before they were  
21 filed?  
22 A. I don't recall.  
23 Q. Okay. You don't recall whether  
24 or not you've ever seen -- well, prior to  
25 the filing in federal court of the

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1 F. Fiorillo  
2 Complaint, did you review it for accuracy?  
3 A. I'm not sure.  
4 Q. Is there anything in your  
5 possession, custody or control that would  
6 refresh your recollection?  
7 A. No.  
8 Q. Would you agree with me, sir,  
9 that filing a federal lawsuit in which you  
10 and the four other Plaintiffs are seeking in  
11 excess of \$25,000,000, is an important  
12 matter in your life?  
13 A. Yes.  
14 MR. GOODSTADT: Objection.  
15 Q. And would you agree with me that  
16 the allegations in the Complaint are what  
17 you are accusing Ocean Beach and other  
18 Defendants of doing during the course of  
19 your employment with Ocean Beach?  
20 A. Yes.  
21 Q. And would you agree with me that  
22 it would be important to make sure that your  
23 allegations against the Defendants were  
24 accurate and truthful, to the best of your  
25 knowledge?

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1 F. Fiorillo  
2 MR. GOODSTADT: Objection.  
3 A. Yes.  
4 Q. Okay. And would you agree with  
5 me that you would want to ensure, by any way  
6 possible, that what was being filed in this  
7 action was truthful and accurate?  
8 A. Yes.  
9 Q. Okay. And do you have any reason  
10 to believe that what was filed by you in  
11 this Complaint was in fact truthful and  
12 accurate?  
13 A. It was truthful and accurate.  
14 Correct.  
15 Q. And how do you know that if you  
16 didn't read this?  
17 MR. GOODSTADT: Objection.  
18 A. No. You -- I think you asked me  
19 before -- like the day it was filed, did I  
20 review it then?  
21 Q. No.  
22 A. No?  
23 Q. My question was, prior to it was  
24 filed, did you review it for accuracy?  
25 A. Yes, because --

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1 F. Fiorillo  
2 Q. My question is just yes or no.  
3 A. Yes.  
4 Q. So I'll -- so the record is  
5 clear. Did you review the Complaint prior  
6 to it being filed for accuracy?  
7 A. Yes.  
8 Q. And to your knowledge, was  
9 everything that was set forth in there  
10 truthful and accurate?  
11 A. Yes.  
12 Q. And with regard to the  
13 allegations that pertain to you, you had  
14 firsthand knowledge of those acc -- those  
15 accusations?  
16 A. Yes.  
17 Q. And what's your understanding of  
18 "firsthand knowledge"?  
19 A. I was a direct witness.  
20 Q. You were a direct witness?  
21 A. (Indicating).  
22 Q. I'm going to show you what I  
23 purport to be a true and accurate copy of  
24 the Complaint that was filed by your  
25 attorneys on your behalf, as well as the



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1 F. Fiorillo  
2 other four Plaintiffs. And it was filed on  
3 March 21, 2007.  
4 MR. GOODSTADT: You want to  
5 mark this?  
6 MR. NOVIKOFF: Do we need to?  
7 I mean, I will -- all right. Let's  
8 mark it number one. Fiorillo-1.  
9 (Complaint was marked as Fiorillo  
10 Exhibit-1 for identification; 2/20/09,  
11 E.L.)  
12 Q. Can you take Exhibit-1, and I'm  
13 going to be asking you a series of questions  
14 about that for the next couple hours. Can  
15 you show it to him?  
16 MR. GOODSTADT: Ask him a  
17 question.  
18 MR. NOVIKOFF: Okay. That's  
19 fine.  
20 Q. Please turn to page 44 of the  
21 Complaint. Actually, page 43 of the  
22 Complaint.  
23 A. Can I separate this (indicating)?  
24 Q. If that makes it easier for you,  
25 sure. Are you on page 44? I'm sorry, 43?

Page 22

1 F. Fiorillo  
2 A. 43.  
3 Q. Yeah. Let's go to paragraph 186.  
4 A. Yes.  
5 Q. You allege as follows "as set  
6 forth above, Defendants Hesse and Alison  
7 Sanchez conspired to unlawfully destroy  
8 Plaintiffs' careers and shared a mutual  
9 agreement and understanding regarding their  
10 objective to do so and the manner in which  
11 their common objective was to be achieved,  
12 and committed numerous overt acts in  
13 furtherance thereof," do you see that?  
14 A. Yes.  
15 Q. Did you personally -- were you --  
16 withdrawn. Were you a direct witness to the  
17 overt acts between -- engaged in by Hesse  
18 and Alison Sanchez that you claim to be the  
19 basis for conspiracy?  
20 MR. GOODSTADT: Objection.  
21 Q. Yes or no? If you can't answer  
22 yes or no, that's fine, too. Then you tell  
23 me that.  
24 A. I can't answer that question yes  
25 or no.

Page 23

1 F. Fiorillo  
2 Q. Okay. Why can't you answer that  
3 question yes or no?  
4 A. Because I have to explain the  
5 situation that precipitated this allegation.  
6 Q. Okay. Then let's break it down,  
7 sir. There's a reference to "numerous overt  
8 acts." Let's put Mr. Hesse aside. What  
9 were Alison Sanchez's overt acts as you  
10 allege them in 186?  
11 MR. GOODSTADT: Objection.  
12 A. Her overt acts are in reference  
13 to getting officers qualified in Ocean Beach  
14 that were allowed to work in Ocean Beach  
15 without being qualified. She did not take  
16 action on keeping or preventing the officers  
17 that were working who were not qualified to  
18 work in Ocean Beach. In other words, these  
19 officers were working in Ocean Beach without  
20 the qualifications set forth by Suffolk  
21 County Civil Service.  
22 Q. And how do you know that it was  
23 Mrs. Sanchez's responsibility to -- well,  
24 actually, you know what, let me just see  
25 that question so I have -- use your words

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1 F. Fiorillo  
2 correctly. (Reviewing). How did you know  
3 that it was -- well, withdrawn. What is the  
4 basis of your opinion that it was  
5 Ms. Sanchez's responsibility to take action  
6 to ensure that only officers that were  
7 qualified under the Civil Service Law were  
8 allowed to work at Ocean Beach?  
9 A. Well, I happened to be there on  
10 several occasions when she called the  
11 station, and she -- I asked her who was  
12 calling because she was calling for George  
13 Hesse. So I asked who was calling, and she  
14 was the -- she responded that she was  
15 the -- oh, the -- she handled the account  
16 for Ocean Beach in Civil Service. "Just  
17 tell George Hesse it's Alison." He'll know  
18 who she is.  
19 Q. So what exactly did Alison  
20 Sanchez say to you on the phone that leads  
21 you to believe that she was the person  
22 responsible for making sure that only  
23 qualified officers worked at Ocean Beach?  
24 A. Because during the course of when  
25 they found out that the officers weren't

Page 25

1 F. Fiorillo  
2 qualified or certified, she was the one that  
3 was handling all the -- the process,  
4 because in the department, all the cops were  
5 talking about what they had to go through,  
6 and she was the one that was setting up the  
7 stages that they had to go through.  
8 MO MR. NOVIKOFF: Move to strike.  
9 Q. My question to you, sir, is the  
10 following, and I'll repeat it, what did  
11 Alison Sanchez say to you when she called  
12 the station house and you picked up the  
13 phone, that led you to believe, as you've  
14 testified to, that she was the person  
15 responsible -- responsible for ensuring that  
16 only qualified officers worked at Ocean  
17 Beach?  
18 A. She told me she was the account  
19 representative for Ocean Beach.  
20 Q. Did she say anything else to you?  
21 A. No.  
22 Q. Okay. And other -- prior to  
23 April 2, other than one or two phone calls  
24 that you picked up at the station in which  
25 Alison Sanchez was on the other line, had

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1 F. Fiorillo  
2 you ever spoken to Ms. Sanchez?  
3 MR. GOODSTADT: Objection.  
4 A. I might have. I -- I don't know.  
5 Q. Okay. And on how many occasions  
6 do you recall picking up the phone at the  
7 station house and hearing that it was Alison  
8 Sanchez on the other line?  
9 A. At least three times.  
10 Q. Okay. And do you recall the sum  
11 and substance of any of the other  
12 conversations that you had with Ms. Sanchez  
13 in those three times that you picked up the  
14 phone?  
15 A. No.  
16 Q. Okay. Now you mentioned the  
17 overt act of Ms. Sanchez's being responsible  
18 for ensuring the compliance of -- of the  
19 officers with the qualifications of Civil  
20 Service. What law imposes the obligation of  
21 Ms. Sanchez to be responsible for ensuring  
22 compliance with the Civil Service Laws of  
23 the officers of Ocean Beach?  
24 MR. GOODSTADT: Objection.  
25 A. What law?

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1 F. Fiorillo  
2 Q. Yeah. Are you aware of any law?  
3 MR. GOODSTADT: Objection.  
4 A. I'm not aware of any law.  
5 Q. What law are you aware of that  
6 requires the Suffolk County Civil Service to  
7 be responsible for ensuring compliance with  
8 their laws with regard to police officers at  
9 Ocean Beach?  
10 MR. GOODSTADT: Objection.  
11 A. Well, I can tell you for a fact  
12 that I was one of them that had to go  
13 through the process -- through the whole  
14 process to become a police officer in Ocean  
15 Beach.  
16 Q. I'm not asking you about what you  
17 had to do. Are you --  
18 A. Well, that's the basis -- that's  
19 a little bit of the basis for the question.  
20 Q. No, sir. Trust me, it's not.  
21 My question to you --  
22 MR. GOODSTADT: Objection.  
23 Q. -- to the extent that you know,  
24 what law can you point to that requires  
25 Civil Service to ensure that Ocean Beach is

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1 F. Fiorillo  
2 following the laws concerning the  
3 qualification of police officers?  
4 MR. GOODSTADT: Objection.  
5 A. I don't know.  
6 Q. Okay. Now you mentioned that --  
7 the qualification issue with regard to the  
8 overt acts, right?  
9 A. Yes.  
10 Q. Okay. And that occurred prior  
11 to -- your conversations with Ms. Sanchez on  
12 this issue occurred prior to April 2, 2006,  
13 right?  
14 MR. GOODSTADT: Objection.  
15 Q. Well, I'll withdraw.  
16 A. That's not the -- no.  
17 Q. I'll withdraw the question.  
18 There's an objection. How did  
19 Mrs. Sanchez's alleged failure to ensure  
20 compliance with Civil Service Laws destroy  
21 your career?  
22 A. Well, if the -- if the officers  
23 that were working in Ocean Beach were  
24 prevented from working in Ocean Beach and  
25 stopped by Civil Service, then I probably

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1 F. Fiorillo  
2 would have -- I still would have my job  
3 there.  
4 Q. Why do you say that?  
5 A. Why do I say that? Because --  
6 Q. Let me be specific. Why do you  
7 say specifically that you think you would  
8 still have your job there?  
9 A. Because I was -- I had to go  
10 through the process. It takes -- it takes  
11 a while to go through the process and become  
12 a police officer in Ocean Beach.  
13 Q. No. And I understand that.  
14 And --  
15 A. So in other words, in that time  
16 period, I would be making more money. I  
17 wouldn't be fired.  
18 Q. Well, that's my question, sir.  
19 Let's -- you've now stated that one of the  
20 overt acts of Ms. Sanchez, as alleged in  
21 186, was that she didn't do whatever her job  
22 was with regard to ensuring that the  
23 officers that work for Ocean Beach were  
24 qualified, correct?  
25 A. Correct.

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1 F. Fiorillo  
2 Q. And you allege also in 186 that  
3 in a conspiracy with Defendant Hesse,  
4 Ms. Sanchez engaged in this overt act to  
5 unlawfully destroy your career, do you see  
6 that?  
7 A. Yes.  
8 Q. And when I asked you the question  
9 as to how Ms. Sanchez's act, as you  
10 testified to, destroyed your career, you  
11 said, in part, that you would still probably  
12 be at Ocean Beach if she did her job, right?  
13 A. I would think so.  
14 Q. Okay. So here's my question to  
15 you, sir, why do you think you would still  
16 have your job at Ocean Beach if Ms. Sanchez  
17 had done her job, as you allege that she  
18 should have?  
19 A. Well, first of all, George Hesse  
20 wasn't a sergeant. From my understanding,  
21 you have to go through Civil Service and  
22 pass a test to become a sergeant.  
23 Q. Okay. All right. So how did the  
24 fact that George Hesse was not a sergeant  
25 play into the destruction of your career as

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1 F. Fiorillo  
2 it relates to what Ms. Sanchez didn't do?  
3 A. Because George Hesse ultimately  
4 became the -- I don't know what title he  
5 had. It was either acting deputy chief,  
6 deputy chief, acting chief or chief. I  
7 don't know. But he ultimately became a  
8 person in charge that ultimately fired me.  
9 Q. Okay. So I understand now. And  
10 tell me if I'm wrong, because I -- I just  
11 want to make sure this is clear, and if I'm  
12 wrong in any regard, tell me. You believe  
13 that because Ms. Sanchez didn't do her job,  
14 George Hesse was allowed to become in a  
15 position at Ocean Beach in which he was then  
16 allowed to fire you for no reason?  
17 MR. GOODSTADT: Objection.  
18 Q. Is that accurate?  
19 A. Pretty accurate.  
20 Q. What -- okay. Go on.  
21 A. Because it could have been --  
22 okay. It could have been Alison Sanchez and  
23 maybe her superior --  
24 Q. Okay. Continue.  
25 A. That -- that didn't, um, oversee

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1 F. Fiorillo  
2 what should have been, um, upheld by Civil  
3 Service.  
4 Q. Okay.  
5 A. That's my belief.  
6 Q. And that's all I'm asking you  
7 about, your belief and the facts as you know  
8 them or you believe you know them. So just  
9 so we're clear, and based upon what you've  
10 just told me, you believe that the reason  
11 why your career was destroyed, as it relates  
12 to Alison Sanchez, is that if Alison Sanchez  
13 and perhaps her superiors had done the right  
14 job, Mr. Hesse would never have been in a  
15 position to be able to fire you?  
16 A. I didn't say "never," but maybe  
17 highly unlikely.  
18 Q. Okay. And that's because, in  
19 your opinion, Mr. Hesse was not qualified to  
20 be a sergeant because he didn't pass  
21 whatever Civil Service requirements there  
22 were?  
23 A. From my understanding.  
24 Q. That's all I'm asking. From your  
25 understanding, right? Correct?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. And, therefore, had he -- had  
4 the fact that his lack of qualifications  
5 been enforced by Civil Service, he would  
6 never have been put in a position to have  
7 the authority to make a decision whether or  
8 not to fire you as you say he did?  
9 A. I would think so.  
10 Q. Okay. Great. What other overt  
11 act, if any, did Alison Sanchez engage in,  
12 other than what you've just testified to,  
13 that you believe led to the destruction of  
14 your career?  
15 A. I believe that Alison Sanchez,  
16 from what Alison Sanchez told me when I went  
17 to her office shortly thereafter when I was  
18 fired that week, the week of I believe it  
19 was April 5, Wednesday afternoon, when I  
20 went into her office, we spoke about me  
21 being fired, Kevin Lamm being fired, Joe  
22 Nofi being fired and Eddie Carter being  
23 fired at the time. Tommy Snyder was not  
24 fired at this time.  
25 Q. Okay.

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1 F. Fiorillo  
2 A. Okay? So I believe that from  
3 what she told me, she -- she told me and  
4 Kevin and Joe that she had spoke to George  
5 Hesse and Maryanne Minerva, and she was  
6 expecting us. She said that she spoke to  
7 them prior to us getting fired, so,  
8 therefore, I believe that they came up with  
9 whatever they were going to do before April  
10 2, and then April 2 we were blind-sided and  
11 fired.  
12 Q. Okay. So, again, just so I'm  
13 clear, you believe that -- and let's assume  
14 for the purposes of the question that  
15 Ms. Sanchez spoke with Mr. Hesse  
16 specifically about certain employment  
17 decisions relating to you and the other  
18 Plaintiffs prior to April 2. So we're --  
19 A. Yes. I follow.  
20 Q. We're going to make that  
21 assumption for the purpose of my questions.  
22 You believe that an overt act to destroy  
23 your career was the fact that Ms. Sanchez  
24 engaged in a conversation with at least  
25 Mr. Hesse concerning the fact that Mr. Hesse

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1 F. Fiorillo  
2 wanted to terminate you prior to April 2?  
3 A. Well, it was painfully apparent.  
4 Q. No. No. I'm just confirming,  
5 that's what you believe the overt act was?  
6 A. Absolutely.  
7 Q. That there was a conversation  
8 between Mr. Hesse and Ms. Sanchez prior to  
9 April 2?  
10 A. At least those two.  
11 Q. At least those two, exactly, at  
12 least those two, concerning Mr. Hesse's  
13 decision to fire you?  
14 A. Yes.  
15 Q. Okay.  
16 A. Including Maryanne Minerva,  
17 because that's what I was told.  
18 Q. According to you, by Ms. Sanchez?  
19 A. Well, she told me that.  
20 Q. I'm not challenging what you  
21 said. This is what you've said. I'm just  
22 trying to understand it. So you believe  
23 that certainly Sanchez had a conversation  
24 with Hesse prior to April 2, and based upon  
25 what you say Sanchez told you, she had a

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1 F. Fiorillo  
2 conversation with Minerva prior to April 2  
3 concerning Hesse's decision to terminate?  
4 A. Well, I don't know if it was  
5 Hesse's decision.  
6 Q. Okay.  
7 A. But, ultimately, it was Hesse's  
8 decision because he's the one who fired us.  
9 Q. Okay. Well, whose decision could  
10 it have been, in your opinion, if it wasn't  
11 Hesse?  
12 A. I don't know who else was  
13 involved.  
14 Q. Okay. But you believe, based  
15 upon what Sanchez told you, she had a  
16 conversation with --  
17 A. She only told me Hesse and  
18 Minerva.  
19 MR. GOODSTADT: Let him finish  
20 the question.  
21 Q. At least based upon your  
22 testimony, Sanchez had a conversation with  
23 Hesse, prior to April 2, that concerned the  
24 possibility of you being, as you say, fired  
25 from Ocean Beach?

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1 F. Fiorillo  
2 A. She told me both Hesse and  
3 Minerva.  
4 Q. I understand. We're with Hesse  
5 now, right?  
6 A. Okay.  
7 Q. And you also believe that Sanchez  
8 had a conversation with Minerva?  
9 A. Based on what Alison Sanchez told  
10 me.  
11 Q. Right. So we're on the same  
12 page. Were you a party to the conversation  
13 between Hesse and Sanchez?  
14 A. No.  
15 Q. Were you a party to the  
16 conversation between Minerva and Sanchez?  
17 A. No.  
18 Q. Do you have any idea, based upon  
19 any document that you've seen, as to what  
20 the conversation between Hesse and Sanchez  
21 involved?  
22 A. No.  
23 Q. Okay. Do you have any idea,  
24 based upon any document that you've seen, as  
25 to what the sum and substance of the

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1 F. Fiorillo  
2 conversation was between Sanchez and  
3 Minerva?  
4 A. No.  
5 Q. Now were you -- you were there  
6 yesterday when Ms. Sanchez testified about  
7 her conversation with Hesse concerning  
8 Hesse's thoughts about not rehiring certain  
9 police officers for the 2006 season,  
10 correct?  
11 MR. GOODSTADT: Objection.  
12 Q. I'm sorry, two days ago. Were  
13 you present at Ms. Sanchez's deposition?  
14 A. Yes.  
15 Q. Do you recall her testifying with  
16 regard to the sum and substance of her  
17 communications with Mr. Hesse prior to April  
18 2, concerning the decision -- the ultimate  
19 decision regarding you not being rehired for  
20 the 2006 season?  
21 MR. GOODSTADT: Objection.  
22 A. I don't know what specifically  
23 was said about me.  
24 Q. Okay. Then I'll withdraw the  
25 question. Do you recall Ms. Sanchez

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1 F. Fiorillo  
2 testifying about a conversation she had with  
3 Mr. Hesse, prior to April 2, concerning what  
4 the rights and obligations were of certain  
5 officers under the Civil Service Law?  
6 A. To be honest with you, I don't  
7 recall exactly what she said.  
8 Q. Do you recall the conversation --  
9 A. I don't recall the conversation.  
10 I really don't.  
11 Q. Do you recall -- do you recall  
12 Ms. Sanchez even testifying about that  
13 subject matter?  
14 A. I can't even remember, to tell  
15 you the truth.  
16 Q. Not a problem. Okay. So we have  
17 the fact that she had a conversation with  
18 Mr. Hesse and Mr. Minerva as --  
19 A. Ms. Minerva.  
20 Q. Ms. Minerva as an overt act. We  
21 have the fact, according to your testimony,  
22 that you believe that she didn't do her job  
23 with regard to the certification of certain  
24 officers at Ocean Beach. Any other overt  
25 act that you believe Ms. Sanchez engaged in

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1 F. Fiorillo  
2 that you claim led to the destruction of  
3 your career?  
4 A. Not to my knowledge.  
5 Q. Okay. You make reference in  
6 paragraph 180 -- 186 to a mutual agreement  
7 and understanding regarding their objective  
8 to destroy your career, do you see that?  
9 A. Yes.  
10 Q. Okay. What evidence do you have  
11 that Ms. Sanchez had the intent to destroy  
12 your career?  
13 MR. GOODSTADT: Objection.  
14 A. What evidence?  
15 Q. Well, I'll rephrase the question.  
16 What forms the basis for your opinion that  
17 Ms. Sanchez formed the intent, prior to  
18 April 2, 2006, to destroy your career?  
19 MR. GOODSTADT: Objection.  
20 A. Well, my belief is that there was  
21 a conspiracy between at least Alison Sanchez  
22 and George Hesse to get rid of us five for  
23 sure.  
24 Q. Okay. Were there anybody else,  
25 other than the five Plaintiffs in this case,



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1 F. Fiorillo  
2 that were not rehired for the 2006 season,  
3 and, again, we have an understanding of the  
4 phrase that I just used?  
5 A. There were two other officers,  
6 but they didn't work there -- Billy Powell,  
7 if he worked one day, I think he worked one  
8 day. Maybe, okay? But it wasn't -- in  
9 other words, us five, we were part time. We  
10 worked all year round. Um, and we were more  
11 consistent on the work level.  
12 MO MR. NOVIKOFF: And I'm going to  
13 move to strike that part of the answer  
14 that was not responsive.  
15 Q. My question to you, sir, is were  
16 there any other officers, other than the  
17 five Plaintiffs in this action, that were  
18 not rehired for the 2006 season?  
19 MR. GOODSTADT: Objection.  
20 Q. Yes or no?  
21 MR. GOODSTADT: Objection.  
22 Q. To the best of your knowledge?  
23 A. Well, I only know up until April  
24 2, so.  
25 Q. That's what I'm saying. Up

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1 F. Fiorillo  
2 through -- other than the five Plaintiffs in  
3 this action, were there any other officers  
4 that were not rehired for the 2006 season,  
5 that you are aware of, yes or no?  
6 MR. GOODSTADT: Objection.  
7 A. Then I can't -- I can say I don't  
8 know.  
9 Q. Okay. Fine. Now, so you believe  
10 that Ms. Sanchez engaged in a conspiracy  
11 with Hesse and that's the reason why she  
12 formed the intent to destroy your career.  
13 My question to you is, what evidence, if  
14 any, do you have as to when Ms. Sanchez  
15 formed the intent to destroy your career?  
16 MR. GOODSTADT: Objection.  
17 A. I don't have any evidence.  
18 Q. What evidence can you point to  
19 and that you can advise the jury that will  
20 be watching this videotape that you believe  
21 shows that Ms. Sanchez formed the intent to  
22 destroy your career, your police career  
23 prior to April 2, 2006?  
24 MR. GOODSTADT: Objection.  
25 A. What evidence?

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1 F. Fiorillo  
2 Q. Yeah, that you can point to?  
3 A. Well, I can point to it, but it's  
4 not -- in other words, it could be  
5 produced.  
6 Q. Okay. Tell me. I'm giving you  
7 the opportunity to tell the jury --  
8 A. All right.  
9 Q. -- what evidence do you think --  
10 A. I'm going to tell the jury right  
11 now --  
12 Q. Hold on. Excuse me. That you  
13 think -- evidence you think exists to  
14 demonstrate that Alison Sanchez formed the  
15 intent, prior to April 2, 2006, to destroy  
16 your career?  
17 MR. GOODSTADT: Objection.  
18 A. I'm going to tell the jury right  
19 now that I believe that the Suffolk County  
20 Civil Service Department, through Suffolk --  
21 through the County of Suffolk, can produce  
22 phone records, prior to April 2, from  
23 conversations going from Ocean Beach to  
24 Civil Service and back and forth. That  
25 would be evidence.

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1 F. Fiorillo  
2 Q. Okay. Let's assume that you are  
3 100 percent correct, that prior to April 2,  
4 there will be phone records that demonstrate  
5 that Civil Service and Ocean Beach had  
6 discussions over the phone. What evidence  
7 can you tell the jury that on these phone  
8 calls, Ms. Sanchez formed the intent to  
9 destroy your career prior to April 2, 2006?  
10 MR. GOODSTADT: Objection.  
11 A. Well, we might get that out of  
12 George Hesse.  
13 Q. I'm not asking about what we may  
14 get out of whom.  
15 A. Well, he's a party in the  
16 conversation.  
17 Q. Mr. Fiorillo, I'm asking you  
18 about Ms. Sanchez. What evidence can you  
19 tell the jury right now, and it's been  
20 almost two years since you filed this  
21 Complaint, that you could tell the jury  
22 shows that Alison Sanchez formed the intent,  
23 prior to April 2, 2006, to destroy your  
24 police career?  
25 MR. GOODSTADT: Objection. He

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1 F. Fiorillo  
2 already testified to a lot of it.  
3 Q. Okay. I'm asking you a question.  
4 A. Well, I just -- I just said what  
5 I said about the phone records. That could  
6 be evidence.  
7 Q. Okay.  
8 A. I mean, it could -- it could  
9 be -- it could be discovered -- it could be,  
10 um --  
11 Q. So other than what --  
12 A. Follow up --  
13 Q. Go ahead.  
14 A. It could be followed up and maybe  
15 something will come out of that. I don't  
16 know. But it could be. It's evidence.  
17 It's -- it's a trail. A paper trail.  
18 Q. Okay. So I understand it now.  
19 Other than what may be -- tell me if I'm  
20 wrong, other than what may be discovered in  
21 additional documents, and other than what  
22 Mr. Hesse may say, and other than what may  
23 be said by other witnesses that may come  
24 down the pike in this matter, you don't have  
25 any evidence that you can point to right

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1 F. Fiorillo  
2 now --  
3 A. No.  
4 Q. -- to suggest that Ms. Sanchez  
5 formed the intent, prior to April 2, to  
6 destroy your career?  
7 MR. GOODSTADT: Objection.  
8 Other than what he already testified  
9 to?  
10 Q. I'm sorry, what was your answer?  
11 A. Well, I just said about the  
12 evidence that I stated prior to this  
13 question. But I don't have any other  
14 evidence.  
15 Q. Great. Okay. I'll accept that  
16 answer. Thank you. And what you've  
17 testified prior to the last question with  
18 regard to Ms. Sanchez was that she told you  
19 she had a conversation with Hesse and  
20 Minerva?  
21 A. Correct.  
22 Q. And that you don't believe she  
23 did her job correctly with regard to the  
24 qualifications of police officers at Ocean  
25 Beach?

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1 F. Fiorillo  
2 A. That's my belief.  
3 Q. That -- that's fine. Great.  
4 When do you believe Mr. Hesse and  
5 Ms. Sanchez formed the common objective, as  
6 you've alleged in 186, to destroy your  
7 career?  
8 MR. GOODSTADT: Objection.  
9 A. Prior to April 2.  
10 Q. Okay. When prior to April 2?  
11 A. That I don't know, because --  
12 Q. Months prior to April 2? Years  
13 prior to April 2? Weeks?  
14 A. Well, I don't know, but I can  
15 explain further on -- on the context of what  
16 happened prior to April 2 that would give  
17 you a partial answer to that question.  
18 Q. No. I'm only interested right  
19 now as to when you believe Hesse and Sanchez  
20 formed the common objective to destroy your  
21 career?  
22 MR. GOODSTADT: Objection.  
23 A. I would say between March 11 and  
24 April 2.  
25 Q. Okay. And March 11, what

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1 F. Fiorillo  
2 significance does March 11 have?  
3 A. Very significant.  
4 Q. I'm asking you, what significance  
5 does it have?  
6 A. I got a letter from the Ocean  
7 Beach Police Department from George Hesse  
8 that stated that we were going to have a  
9 departmental meeting on April 2, and that  
10 new ID would be issued to all. Now my  
11 understanding is I'm part of "all" in that  
12 -- in that letter.  
13 Q. Okay.  
14 A. Okay?  
15 Q. Sure.  
16 A. So I was -- I was upset. I was  
17 beside myself. I was -- I was -- I was  
18 traumatized, okay, that day when I was  
19 fired. Because that letter was not true,  
20 okay? It was -- it was a ploy on the part  
21 of Hesse to fire us.  
22 MO Q. Okay. Well, that's my question,  
23 sir, and I'm going to move to strike that  
24 aspect of the answer that's not responsive.  
25 But you say there was a ploy on the part of

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1 F. Fiorillo  
2 Hesse, and I understand that that's one of  
3 your -- your allegations in this Complaint.  
4 My question to you is more specifically,  
5 when do you think Ms. Sanchez joined in the  
6 ploy as you call it with Mr. Hesse to  
7 specifically destroy your career?  
8 MR. GOODSTADT: Objection.  
9 A. Prior to April 2, because she  
10 told me that.  
11 Q. That she told you that she joined  
12 in with Hesse to destroy your career?  
13 A. Well, "joining in" could mean  
14 that what she told me was she spoke to  
15 George Hesse and Maryanne Minerva. So I  
16 consider that to be, you know, they -- they  
17 talked between themselves -- amongst  
18 themselves.  
19 Q. Even though you don't know what  
20 they talked about specifically?  
21 A. I have no idea.  
22 Q. Okay. Let me ask you to turn to  
23 page 23. Do you see in the middle it says  
24 "Alison Sanchez conspires with Hesse to  
25 destroy Plaintiffs' careers"?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. Okay. And paragraph 99 reflects  
4 the fact that you met with Nofi and Lamm  
5 with Ms. Sanchez a few days after April 2;  
6 is that correct?  
7 A. That's correct.  
8 Q. Okay. And you allege "upon  
9 information and belief, Sanchez was  
10 responsible for appointing and approving the  
11 hiring of the uncertified officers at the  
12 OBPD," do you see that?  
13 A. Yes.  
14 Q. What's the basis for your belief  
15 as to the accuracy of what I just read?  
16 A. Okay. Alison Sanchez was the  
17 account holder for Ocean Beach. She was  
18 responsible for getting actually civilians  
19 together to go forward to, um, their  
20 qualifying tests. So based on their passing  
21 those qualifying exams, she would then --  
22 it's her say to Ocean Beach that she  
23 would -- she would tell them if they were  
24 qualified or certified, whichever word you  
25 want to use, same difference.

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1 F. Fiorillo  
2 Q. Right.  
3 A. That they can go forward and they  
4 would be appointed, and then Ocean Beach can  
5 either hire them or fire them or not hire  
6 them. I'm sorry.  
7 Q. Okay. Well, you allege in this  
8 that she was responsible for approving the  
9 hiring of the uncertified officers, do you  
10 see that?  
11 A. Yes.  
12 Q. What information can you advise  
13 the jury that you have or that you've seen  
14 to support the allegation that Ms. Sanchez  
15 had the responsibility to approve the  
16 hiring?  
17 MR. GOODSTADT: Objection.  
18 A. Well, I want to state that based  
19 on her approving the qualified candidates,  
20 then the hiring would take place. She would  
21 be ultimately in the process, I would think.  
22 Q. And if she indicated that the  
23 qualifications were not met, what authority  
24 did she have, if any, to your knowledge, to  
25 prevent Ocean Beach from filing -- from

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1 F. Fiorillo  
2 hiring certain officers?  
3 MR. GOODSTADT: Objection.  
4 A. Well, I think that she would have  
5 to report to Ocean Beach that they wouldn't  
6 be certified to work there.  
7 Q. Right. So now my question to you  
8 is let's assume that she did that. To your  
9 knowledge, since you made this allegation,  
10 did she have the authority to stop Ocean  
11 Beach from hiring an unqualified officer?  
12 MR. GOODSTADT: Objection.  
13 A. I don't know that part.  
14 Q. Sir, you've alleged here "upon  
15 information and belief, Sanchez was  
16 responsible for appointing and approving the  
17 hiring." Okay.  
18 A. I think her responsibility  
19 probably entails all of that.  
20 Q. Do you know that for a fact?  
21 A. No.  
22 Q. Do you know specifically what  
23 Ms. Sanchez's responsibilities were with  
24 regard to the hiring and appointing of  
25 police officers at Ocean Beach?



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1 F. Fiorillo  
2 A. No.  
3 MR. GOODSTADT: Objection.  
4 Q. Do you know what authority she  
5 has to go to court and stop Ocean Beach from  
6 hiring unqualified officers?  
7 MR. GOODSTADT: Objection.  
8 A. I don't know.  
9 Q. Do you know anything about what  
10 Ms. Sanchez's specific responsibilities and  
11 authority was with regard to the hiring of  
12 officers at Ocean Beach?  
13 MR. GOODSTADT: Objection.  
14 A. I don't know.  
15 Q. You've approved, though, sir, the  
16 suing of Ms. Sanchez in her individual  
17 capacity; is that correct?  
18 A. Yes.  
19 Q. And you're seeking money damages  
20 from Ms. Sanchez, correct?  
21 A. Yes.  
22 Q. And if I understand you  
23 correctly, you have no idea what Ms. Sanchez  
24 ever said to Mr. Hesse on the phone call  
25 that she said she had, correct?

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1 F. Fiorillo  
2 MR. GOODSTADT: Objection.  
3 A. Correct.  
4 Q. And you have no idea what  
5 Ms. Sanchez's authority and responsibilities  
6 were with regard to the appointment and the  
7 hiring of officers at Ocean Beach, correct?  
8 MR. GOODSTADT: Objection.  
9 A. Correct.  
10 Q. And, in fact, you don't have any  
11 idea as to what her authority and  
12 responsibilities were with regard to any  
13 issue at Ocean Beach; isn't that correct?  
14 MR. GOODSTADT: Objection.  
15 A. No.  
16 Q. No.  
17 A. That's not correct.  
18 Q. Okay. Let's go to paragraph 100.  
19 You allege the following, "Sanchez assured  
20 Officers Fiorillo, Nofi and Lamm that their  
21 conversation would remain confidential," do  
22 you see that?  
23 A. Yes.  
24 Q. Did she tell you, Mr. Fiorillo,  
25 that the conversation would be confidential?

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1 F. Fiorillo  
2 A. She told me specifically.  
3 Q. What did she specifically say to  
4 you?  
5 A. She said that this conversation  
6 amongst us would be confidential, because I  
7 explained to her when we first initially  
8 walked in, I said, "We all have livelihoods.  
9 We want this to remain confidential," and  
10 especially for Joe Nofi because he worked  
11 for the Suffolk County Health Department.  
12 Q. Now you were here yesterday when  
13 Ms. Sanchez test -- I mean two days ago --  
14 withdrawn. You were at the County's office  
15 during Ms. Sanchez's deposition two days  
16 ago, right?  
17 A. Yes.  
18 Q. And you recall her specifically  
19 denying that she ever said that she told you  
20 that the conversation would be confidential,  
21 correct?  
22 A. Correct.  
23 Q. So would it be fair to say and  
24 you can tell the jury that with regard to  
25 this specific issue, Ms. Sanchez was lying?

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1 F. Fiorillo  
2 A. Absolutely she was lying.  
3 Q. Okay. Now did you ask  
4 Ms. Sanchez if she was a lawyer?  
5 MR. GOODSTADT: Objection.  
6 A. If she's a lawyer?  
7 Q. During that meeting?  
8 A. No.  
9 Q. Are you aware of any provision in  
10 the Civil Service Law that would require  
11 Ms. Sanchez to keep your conversations  
12 confidential?  
13 MR. GOODSTADT: Objection.  
14 A. Why would she say that she would  
15 if she --  
16 Q. I'm just asking -- no, that's not  
17 my question, sir. Are you aware of any  
18 requirements in the Civil Service Law that  
19 would require Ms. Sanchez from keeping your  
20 conversations confidential?  
21 A. I don't know. I don't know  
22 anything about that requirement.  
23 Q. Okay. And had you known at the  
24 time that you met with her that -- on  
25 April -- a few days after April 2, that

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1 F. Fiorillo  
2 George Hesse had bragged about having a  
3 sexual relationship with Ms. Sanchez?  
4 A. George Hesse bragged about it.  
5 Q. Yes, sir. My question -- please,  
6 listen to my question. Were you aware,  
7 prior to meeting Ms. Sanchez a few days  
8 after April 2, that George Hesse had bragged  
9 about having sex with Alison Sanchez?  
10 A. Yes.  
11 Q. Okay. Because you've alleged  
12 that in this Complaint, correct?  
13 A. Well, yes, because --  
14 Q. No. I'm just asking --  
15 A. Yes.  
16 Q. Yes. So notwithstanding -- if I  
17 understand, notwithstanding the fact that  
18 you believed at the time of this meeting  
19 with Alison Sanchez that George Hesse had  
20 bragged about having sex with her, you  
21 trusted Ms. Sanchez to keep whatever you  
22 said confidential?  
23 A. What did -- what did --  
24 Q. My --  
25 A. -- one thing have to do with the

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1 F. Fiorillo  
2 other?  
3 Q. Well, that's my question to you,  
4 sir, and I'll rephrase it. Is it your  
5 contention that notwithstanding the fact  
6 that you knew that George Hesse had bragged  
7 about having sex with Alison Sanchez prior  
8 to the meeting that we're talking about, you  
9 nevertheless trusted her to keep what you  
10 said to her confidential?  
11 A. I didn't know what to do at the  
12 time. The only thing that I could possibly  
13 do was go to Civil Service, okay? I -- I  
14 trusted that I was going to a person, a  
15 professional person that had to do with the  
16 hiring or -- not the hiring, but the -- the  
17 Civil Service process in -- in getting a  
18 police officer appointed to a position of  
19 police officer based on their passing the  
20 qualifying exams, that at least I could talk  
21 to somebody in that regard because of what  
22 was going on in Ocean Beach.  
23 Q. Are you done?  
24 A. So that's what I felt. I felt  
25 that -- I had no -- I didn't know what to

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1 F. Fiorillo  
2 do. I was fired. Do you know what it's  
3 like being fired as a police officer?  
4 MR. GOODSTADT: Frank, just  
5 answer the question.  
6 THE WITNESS: No. But I'm  
7 upset.  
8 MR. GOODSTADT: I understand.  
9 Just answer the question.  
10 MO MR. NOVIKOFF: Thank you  
11 because I'm going to move to strike. I  
12 don't think you answered the question.  
13 Q. Sir, you say you and your other  
14 two Plaintiffs who met with Ms. Sanchez that  
15 day asked to be -- the conversation to be  
16 confidential, right?  
17 A. Yes.  
18 Q. And you're saying that  
19 Ms. Sanchez said yes, it would be  
20 confidential, right?  
21 A. Yes, she did.  
22 Q. And you knew prior to that  
23 conversation that Ms. Sanchez, according to  
24 George Hesse, had had sex with him, right?  
25 A. I knew that he had sex with her?

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1 F. Fiorillo  
2 Q. According to George Hesse?  
3 A. According to what he said.  
4 Q. That's right. That's all I'm  
5 asking. I'm not saying that you witnessed  
6 it. I'm not saying whether it happened or  
7 not. But George Hesse had bragged,  
8 according to you, that he had had sex with  
9 Alison Sanchez?  
10 A. Yes.  
11 Q. So my question is, sir,  
12 notwithstanding your knowledge that George  
13 Hesse had bragged about having an intimate  
14 sexual relationship with Alison Chester, you  
15 nevertheless trusted her to keep whatever  
16 you said confidential?  
17 MR. GOODSTADT: Objection.  
18 He's already answered that question.  
19 Q. Yes or no, did you trust her?  
20 MR. GOODSTADT: Objection. You  
21 answered the question.  
22 A. Did I trust her?  
23 Q. Yes.  
24 A. Absolutely.  
25 Q. Okay. And you had no concern

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1 F. Fiorillo  
2 whatsoever during this meeting that what you  
3 would have said to her, wasn't going to  
4 immediately go back to George Hesse?  
5 A. Not for one minute.  
6 Q. Not for -- not for one second?  
7 A. Why would I think -- I would  
8 think that she would be professional enough  
9 to keep her word and not -- what's so funny?  
10 Q. I'm sorry. Can you answer my  
11 question? I don't think anyone's laughing,  
12 but go ahead.  
13 MR. GOODSTADT: Yes.  
14 Ms. Sanchez -- Ms. Zwilling was  
15 laughing.  
16 MS. ZWILLING: No, I wasn't. I  
17 would have to disagree with you. I  
18 haven't spoken to your client, so I  
19 don't know why he has to --  
20 MR. NOVIKOFF: I didn't hear  
21 anything.  
22 MR. GOODSTADT: You don't have  
23 a microphone.  
24 A. Excuse me, sir. I need for you  
25 to repeat the question.

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1 F. Fiorillo  
2 Q. It's okay. Now did Ms. Sanchez,  
3 in your opinion, breach that  
4 confidentiality?  
5 A. In my opinion?  
6 Q. Yeah.  
7 A. Yes.  
8 Q. Did she tell Mr. Hesse about the  
9 conversation that you had with her on a few  
10 days after April 2?  
11 A. Did she tell Mr. Hesse?  
12 Q. Yeah. That's what I'm asking  
13 you.  
14 A. As far as I know.  
15 Q. Okay. What's the basis for your  
16 knowledge?  
17 A. Um, it was -- it was relayed to  
18 me through I want to say Tommy Snyder  
19 that -- it was either Tommy Snyder or Eddie  
20 Carter, I'm not quite sure which one, but  
21 one of those two, it was relayed back to us  
22 that -- because Eddie and Tommy talked to  
23 George Hesse after we were fired, and  
24 through one of them, he stated that Hesse  
25 stated that Alison Sanchez called him after

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1 F. Fiorillo  
2 Kevin, Joe and myself went to Civil Service.  
3 Q. Okay. So if I understand your  
4 testimony correctly, you have no direct  
5 knowledge of whether or not Sanchez ever  
6 called Hesse to discuss the meeting that you  
7 had with him?  
8 MR. GOODSTADT: Objection.  
9 A. No.  
10 Q. And, in fact, the only knowledge  
11 that you have is based upon the word of two  
12 other Plaintiffs -- one or two of the other  
13 Plaintiffs in this action, correct?  
14 MR. GOODSTADT: Objection.  
15 A. Well, it could have been the word  
16 of three others.  
17 Q. Okay.  
18 A. Hesse was the third.  
19 Q. But you didn't talk to Hesse  
20 about this?  
21 A. No. But he talked to --  
22 Q. My question to you is, who do  
23 you -- what is the basis of your knowledge,  
24 correct? And you said it was either -- it  
25 was either Snyder or Carter told me --

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1 F. Fiorillo  
2 A. Who talked to Hesse.  
3 Q. Who talked to Hesse?  
4 A. Correct.  
5 Q. You never talked to Hesse about  
6 this?  
7 A. (Indicating).  
8 Q. So the only knowledge that you  
9 can base the allegation that Sanchez  
10 breached the confidentiality, is based upon  
11 the word of either one or two of the  
12 Plaintiffs in this action, correct?  
13 MR. GOODSTADT: Objection.  
14 A. Yes.  
15 Q. Okay. Now did Snyder tell you  
16 what Hesse said to -- let's assume it's  
17 Snyder. Well, you know what, let's not  
18 assume it's Snyder. Did either Snyder or  
19 Carter tell you specifically what Sanchez  
20 said to Hesse about your meeting?  
21 A. What -- what Hesse said to  
22 either Snyder or Carter about the meeting?  
23 Q. No.  
24 A. About what Sanchez said to Hesse?  
25 Q. Yes.

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1 F. Fiorillo  
2 A. That we went to Civil Service  
3 and, um, he called us rats for going to  
4 Civil Service.  
5 MO MR. NOVIKOFF: Okay. I'm going  
6 to move to strike.  
7 Q. I'm not asking you about what  
8 Hesse said about what you guys did. My  
9 question is more specific. Did either  
10 Carter or Snyder tell you specifically what  
11 Hesse said Sanchez said to Hesse about what  
12 went on during that meeting?  
13 A. No.  
14 Q. Okay. So for all you know,  
15 Sanchez --  
16 A. Other than the fact that she said  
17 that we went to Civil Service.  
18 Q. Right. So all you know, the  
19 conversation between Sanchez and Hesse could  
20 have been that Sanchez said "by the way,  
21 three of the officers came to see me, but I  
22 can't tell you what they said because it's  
23 confidential."  
24 MR. GOODSTADT: Objection.  
25 Q. Right?

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1 F. Fiorillo  
2 A. I don't know.  
3 Q. Right. You don't -- exactly.  
4 You don't know what Sanchez said, do you?  
5 A. No. I wasn't there.  
6 Q. In paragraph 100, you allege that  
7 you disclosed your decision to Sanchez to  
8 seek recourse for Hesse and the OBPB's  
9 unlawful termination, do you see that?  
10 A. Yes.  
11 Q. Okay. What specifically did you  
12 advise Sanchez in this meeting with regard  
13 to what I just read?  
14 A. I don't understand this.  
15 MR. GOODSTADT: I don't think  
16 that that refers to Fiorillo.  
17 MR. NOVIKOFF: Well, if it  
18 doesn't, then like other witnesses, he  
19 can tell me if this aspect of the  
20 allegation doesn't refer to him.  
21 MR. GOODSTADT: I think it  
22 says, if you read the whole paragraph,  
23 it says "particularly because Officer  
24 Nofi was a full-time employee of  
25 Suffolk County, disclosure of his

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1 F. Fiorillo  
2 decision to seek recourse."  
3 MR. NOVIKOFF: Well, I didn't  
4 really understand the allegation.  
5 A. That's why I didn't understand  
6 that.  
7 Q. Then I'll ask you a more pointed  
8 question in regard to this. Did you ever  
9 advise -- did you personally, Mr. Fiorillo,  
10 not Nofi and Lamm, did you ever advise  
11 Sanchez during this meeting that you had  
12 made a decision to seek recourse against  
13 Hesse and the Ocean Beach Police Department?  
14 A. Well, I asked her what we  
15 could -- what we could do through Civil  
16 Service is what I did.  
17 Q. I'm not there yet. We'll get  
18 there after we change the tape. My question  
19 to you is, at any point in time in this  
20 meeting with Sanchez, did you tell Sanchez  
21 that you had already made a decision to seek  
22 recourse against Hesse and the Ocean Beach  
23 Police Department?  
24 A. Well, I -- I -- what I said was  
25 that I wasn't happy with the -- the decision

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1 F. Fiorillo  
2 that she was telling me and I'm going to  
3 pursue it further.  
4 Q. Oh, okay. So you did tell her  
5 you were going to pursue it further?  
6 A. Yes.  
7 Q. Okay. And this was a few days  
8 after the -- the meeting -- I'm sorry,  
9 after the decision not to hire you, right?  
10 A. Right.  
11 Q. So I'm clear, a few days after  
12 the decision was made not to rehire you at  
13 Ocean Beach -- and I know you say  
14 "terminate" -- you had already decided that  
15 you were going to take it further?  
16 A. Right.  
17 Q. Okay. What was the next step  
18 that you engaged in to take it further after  
19 this meeting?  
20 A. Well, I didn't immediately the  
21 next day --  
22 Q. I'm not asking you --  
23 A. -- take any action.  
24 Q. Hold on. I'm not asking you what  
25 you did the next day. I'm just asking you

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1 F. Fiorillo  
2 what was your next step? Could have been a  
3 day later, it could have been a week later,  
4 it could have been a month later. I don't  
5 care. What I'm asking you is, what was the  
6 next step that you engaged in to take it  
7 further?  
8 MR. GOODSTADT: You mean after  
9 he left the meeting with Ms. Sanchez?  
10 MR. NOVIKOFF: After he left  
11 the meeting, yeah.  
12 A. Like I said, that -- I didn't do  
13 anything that particular day.  
14 Q. I understand.  
15 A. Actually, I didn't know what the  
16 next step was going to be because I was  
17 never in a position like this before, so.  
18 Q. Okay.  
19 A. Time went by, because what I did  
20 was I applied with other police departments,  
21 okay? So maybe, um, April, May, June --  
22 maybe two months went by, not quite two  
23 months, and then I was getting exhausted  
24 because things were not going -- were -- I  
25 was applying to every police department that

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1 F. Fiorillo  
2 was -- was hiring in Suffolk County, every  
3 village or, you know, town police  
4 department, and I wasn't get -- getting a  
5 job or I don't know. It just seemed to me  
6 like something was wrong.  
7 MO MR. NOVIKOFF: Okay. I'm  
8 going to move to strike because you  
9 didn't tell me what your next step was  
10 to take it further.  
11 Q. My question to you is, what was  
12 the next step to take it further with regard  
13 to the decision to seek recourse against  
14 Hesse and Ocean Beach Police Department?  
15 A. Okay. What I did was I tried to  
16 obtain employment as a police officer within  
17 the next I would say maybe two months after  
18 I was fired.  
19 Q. Okay.  
20 A. And then time was running out  
21 because they wouldn't hire maybe after a  
22 certain point for -- to start in their  
23 department, um, you know, part time. In  
24 other words, if we had advanced notice that  
25 we were going to be fired on April 2, I

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1 F. Fiorillo  
2 could have at least applied earlier and got  
3 my name in the system to obtain a job as a  
4 police officer, instead of doing it this  
5 way.  
6 MO MR. NOVIKOFF: I'm going to  
7 move to strike. You didn't answer my  
8 question, but we're going to change the  
9 tape and then I'm going to ask you it  
10 again.  
11 THE VIDEOGRAPHER: This ends  
12 tape number one. The time is 11:18  
13 a.m. We're going off the record.  
14 (A break was taken.)  
15 THE VIDEOGRAPHER: This begins  
16 tape number two. The time is 11:24  
17 a.m. Back on the record.  
18 Q. Sir, you've -- you testified  
19 before the end of the first tape that you  
20 told Ms. Sanchez, because you weren't happy  
21 about what she was telling you, that you  
22 were going to take it to the next step,  
23 right?  
24 A. Right.  
25 Q. Okay. Now I'm not interested in

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1 F. Fiorillo  
2 what job searches you did, at least for the  
3 time being, and we'll get to that, just now  
4 with regard to the next step, what was that  
5 next step?  
6 A. The next step would be something  
7 that I didn't know what the next step was  
8 going to be, because she basically told me I  
9 had no next step.  
10 Q. I understand that, but you took a  
11 next step. At some point in time, we know  
12 you retained Mr. Goodstadt, right?  
13 A. Yes.  
14 Q. Okay.  
15 A. But she told me that I didn't  
16 have a leg to stand on.  
17 Q. Sir, sir, I understand that. But  
18 you retained Mr. Goodstadt, right?  
19 A. Yes.  
20 Q. Okay. So we have -- we have the  
21 meeting with Ms. Sanchez on a few days after  
22 April 2, right, and then we know that you  
23 retained Mr. Goodstadt's law firm at some  
24 particular date, we don't know what that  
25 date is yet. So we got meeting, retain



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1 F. Fiorillo  
2 Goodstadt, right?  
3 A. Right.  
4 Q. After the meeting and before you  
5 retained Goodstadt, what was your next step,  
6 if any?  
7 A. I basically didn't have a next  
8 step at that time because she said you  
9 didn't have a leg to stand on. So I didn't  
10 know what to do.  
11 Q. But you took a next step?  
12 A. Absolutely I took a next step.  
13 Q. Was retaining Mr. Goodstadt the  
14 next step?  
15 A. Yes. Yeah. Ultimately.  
16 Q. No, not ultimately. We know that  
17 retaining Mr. Goodstadt was a step to  
18 seeking recourse because he filed a Notice  
19 of Claim on your behalf, right?  
20 A. Yes.  
21 Q. And you would agree with me that  
22 would be a step to taking recourse, right?  
23 A. Absolutely.  
24 Q. Okay. So we got that. Was  
25 retaining Mr. Goodstadt the next step in

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1 F. Fiorillo  
2 seeking recourse or was there a step before  
3 that that you took?  
4 A. That was my next step.  
5 Q. Fine. Did you meet with any  
6 other attorneys prior to your first meeting  
7 or communication with Mr. Goodstadt?  
8 A. No.  
9 Q. Okay. How did you learn of  
10 Mr. Goodstadt's law firm?  
11 A. It came to a point in time when  
12 Eddie Carter and I were talking about what  
13 could -- what would be our next step. What  
14 is -- what can we do. It seems like we  
15 couldn't do anything. But then it's like it  
16 was unfair.  
17 So Eddie was describing, um, a  
18 case that had to do with, um, I think it was  
19 a male subject or a male -- some person who  
20 was working for Wal-Mart on Long Island. It  
21 was something that was done unfairly to --  
22 to this person. I don't know the whole  
23 case.  
24 Anyway, Eddie was more familiar  
25 with it. So what -- what he did was he

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1 F. Fiorillo  
2 Googled I think the Wal-Mart case is what it  
3 was, something like to that effect, and he  
4 found the firm of Thompson Wigdor & Gilly.  
5 It wasn't Andrew Goodstadt.  
6 Q. I understand that. I know. I  
7 understand.  
8 A. So what I did was when Eddie told  
9 me, he said "I got -- I got this firm." He  
10 said, "It's not on Long Island." I said,  
11 "Well, I don't think it's a good idea if we  
12 get a firm on Long Island," okay? Only  
13 because I just didn't -- I felt very  
14 uncomfortable at this time with a lot of  
15 things, okay? As far as being fired on Long  
16 Island and other things that were going on.  
17 So what I did was I initially made the phone  
18 call.  
19 Q. To -- to the Thompson Wigdor law  
20 firm?  
21 A. Yeah. But it wasn't here.  
22 Q. Where was it?  
23 A. It was in the Empire State  
24 Building.  
25 Q. Okay. The same law firm, but a

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1 F. Fiorillo  
2 different address?  
3 A. Yes.  
4 Q. Okay. And when did you make that  
5 phone call?  
6 MR. GOODSTADT: Objection.  
7 MR. NOVIKOFF: When?  
8 MR. GOODSTADT: But when he  
9 engaged us, when he started receiving  
10 advice from us, I don't think that's  
11 relevant.  
12 MR. NOVIKOFF: Oh, I think one  
13 it's completely relevant, and two, even  
14 if it's not relevant, it's not  
15 privileged, and you can't object and  
16 instruct the witness not to answer on  
17 the grounds of relevance. I'm not  
18 asking for any communications that he  
19 had with you. I'm asking him when he  
20 first met with you. Just like you  
21 asked my clients when they met with me.  
22 MR. GOODSTADT: Well, that's  
23 different.  
24 MR. NOVIKOFF: And they  
25 answered when. I'll call Judge Boyle

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1 F. Fiorillo  
2 up. I don't think there's any issue  
3 with me asking your client, to the  
4 extent he can recall, when he met with  
5 you the first time, especially since  
6 you put it into play in your  
7 allegation.  
8 MR. GOODSTADT: I don't think  
9 that's right.  
10 MR. NOVIKOFF: You did. But he  
11 when he first met with you and who he  
12 met with. But even putting aside the  
13 second part of that, when he first met  
14 with you is not -- is not privileged.  
15 And if you want to call Judge Boyle on  
16 it, we'll call Judge Boyle on that.  
17 MR. GOODSTADT: I just instruct  
18 you not to disclose anything that was  
19 said --  
20 MR. NOVIKOFF: Absolutely.  
21 MR. GOODSTADT: -- at any point  
22 in time between you and any other  
23 lawyers.  
24 Q. And just so you know, my  
25 questions, unless I specifically ask you,

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1 F. Fiorillo  
2 which I don't think I'm going to, I don't  
3 want to know what you may have spoken to  
4 about with any lawyers at this law firm or,  
5 for that matter, any lawyers at any other  
6 law firm. So I'm going to ask you the  
7 question. When did you first have a  
8 communication with somebody from the  
9 Thompson Wigdor law firm?  
10 MR. GOODSTADT: I just want to  
11 instruct you that to the extent you can  
12 remember, only when is what he's asking  
13 you.  
14 Q. Only when. Only when.  
15 A. Okay. It was sometime after  
16 April 2 and before I would say the 4th of  
17 July.  
18 Q. Okay. Well, if I told you you  
19 filed -- if I told you the Notice of Claim  
20 was filed June 30, would you agree with me  
21 that it was sometime between April 2 and  
22 June 30?  
23 A. Okay. Yes.  
24 Q. Okay. And did you review the  
25 Notice of Claim before it was filed?

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1 F. Fiorillo  
2 A. I believe I reviewed it. I  
3 believe I reviewed it.  
4 Q. Okay. Between the time that you  
5 reviewed the Notice of Claim, how long prior  
6 to that time did you first have a  
7 communication with someone from the Thompson  
8 Wigdor law firm? And again, I don't want to  
9 know what that communication was, I'm just  
10 looking for a time period, whether it was  
11 days, weeks or months?  
12 A. I'm sorry, before --  
13 Q. Okay. You looked -- the Notice  
14 of Claim was dated June 30?  
15 A. Okay.  
16 Q. You just testified that you  
17 believed you reviewed the Notice of Claim  
18 before it was filed with the Village, right?  
19 A. Correct.  
20 Q. Okay. How long prior to you  
21 reviewing the Notice of Claim before it was  
22 filed did you first have a communication  
23 with the Thompson Wigdor law firm?  
24 A. I don't remember.  
25 Q. Days?

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1 F. Fiorillo  
2 A. To be honest with you, I don't  
3 know at what point in time and then at what  
4 point in time the file -- the claim was  
5 filed.  
6 Q. Well, the claim was filed June  
7 30.  
8 A. No. I know that. But I don't  
9 know how long before it started.  
10 Q. Days? Weeks? Really, that's all  
11 I'm asking.  
12 A. I don't -- I don't want to guess.  
13 Q. Then you don't. Um, did you  
14 have -- after you had a phone communication  
15 with someone at this law firm, did there  
16 come a time that you personally met with  
17 anyone at the Thompson Wigdor law firm?  
18 And, again, I don't want to know anything  
19 that was discussed at the meeting.  
20 A. Yes.  
21 Q. Okay. Between the phone call and  
22 the meeting, what period of time elapsed?  
23 A. To be honest with you, I can't  
24 remember that timeline. I -- I just don't  
25 recall exactly the -- the sequence of

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1 F. Fiorillo  
2 events.  
3 Q. Was it the same day?  
4 A. I can't recall -- what do you  
5 mean, the same day it was filed?  
6 Q. Well, no. You had a telephone  
7 conversation, right? Wait. Hold on.  
8 You -- you phoned the law firm of Thompson  
9 Wigdor, right?  
10 A. Correct.  
11 Q. Okay. And you had a face-to-face  
12 meeting with someone at Thompson Wigdor,  
13 right?  
14 A. Yes.  
15 Q. Did you have that face-to-face  
16 meeting on the same day that you had the  
17 phone communication?  
18 A. No.  
19 Q. Okay. How many days or weeks  
20 transpired between the phone call and the  
21 meeting with Thompson Wigdor?  
22 A. I don't recall.  
23 Q. Okay. Did you have more than one  
24 face-to-face meeting with someone at  
25 Thompson Wigdor before June 30, 2004, which

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1 F. Fiorillo  
2 is the date of the Notice of Claim?  
3 DI MR. GOODSTADT: Objection. I'm  
4 going to instruct him not to answer  
5 that.  
6 MR. NOVIKOFF: Why?  
7 MR. GOODSTADT: Because the  
8 amount of times he met with lawyers,  
9 how long he met with lawyers, when he  
10 met with them, that's not relevant.  
11 MR. NOVIKOFF: Well, your --  
12 well, you can't stop him --  
13 MR. GOODSTADT: I think it's  
14 privileged. I think it's --  
15 MR. NOVIKOFF: Are you  
16 instructing your witness not to answer?  
17 MR. GOODSTADT: I just did.  
18 MR. NOVIKOFF: Because you have  
19 alleged that your client reasonably  
20 relied on the advice of Ms. Sanchez,  
21 and this goes directly to the  
22 reasonability of their reliance and any  
23 damages that flow from there. And --  
24 MS. ZWILLING: I would  
25 absolutely have to agree.

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1 F. Fiorillo  
2 MR. GOODSTADT: I didn't think  
3 you wouldn't agree, but I'm instructing  
4 him not to answer.  
5 MR. NOVIKOFF: We will make the  
6 appropriate motion then.  
7 MR. GOODSTADT: Make the  
8 appropriate motion.  
9 MR. NOVIKOFF: That's fine.  
10 Q. In your first meeting with  
11 Thompson Wigdor, who among the other  
12 Plaintiffs met with you, if any?  
13 DI MR. GOODSTADT: Objection. I  
14 instruct you not to answer that  
15 question.  
16 MR. NOVIKOFF: On what grounds?  
17 MR. GOODSTADT: On the grounds  
18 that's privileged. It was at the  
19 meeting. You can ask him if there were  
20 any non-lawyers there who were not  
21 being represented, and the privilege  
22 is --  
23 MR. NOVIKOFF: Mr. Goodstadt, I  
24 think you've already taken positions in  
25 motions in this case that are

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1 F. Fiorillo  
2 fundamentally opposite to the position  
3 you're taking now. And that's fine.  
4 MR. GOODSTADT: That's not  
5 correct.  
6 MR. NOVIKOFF: I can't tell you  
7 what to do.  
8 MR. GOODSTADT: The positions I  
9 take have to do with what somebody does  
10 to prepare for a deposition. That's  
11 the position. The Case Law is clear.  
12 You can ask those questions in terms of  
13 what somebody did to prepare and  
14 refresh their recollection for a  
15 deposition.  
16 MR. NOVIKOFF: Okay. No  
17 problem. I just want to make it known  
18 you are instructing your client not to  
19 answer that question.  
20 MR. GOODSTADT: I am.  
21 MR. NOVIKOFF: I don't think  
22 there's a good faith basis to assert  
23 privilege, but I'll move on. We'll  
24 have another motion.  
25 MR. GOODSTADT: Sure.



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1 F. Fiorillo  
2 Q. 101, you allege that "Officers  
3 Fiorillo, Nofi and Lamm then relayed the  
4 substance of their employment experience at  
5 the OBPD, including their termination  
6 without notice or cause in retaliation for  
7 complaints regarding repeated instances of  
8 obstruction of justice, abuse of power and  
9 other unlawful conduct committed by or at  
10 the direction of Hesse," do you see that?  
11 A. Yes.  
12 Q. Now I'm not going to ask you  
13 specifics yet. My question is a little bit  
14 more focused. With regard to the complaints  
15 that you allege in 101, did you make these  
16 Complaints to George Hesse?  
17 MR. GOODSTADT: Objection.  
18 Q. I'll rephrase the question. You  
19 see the word "complaints" in 101?  
20 A. This is -- this is to Alison  
21 Sanchez?  
22 Q. Yes. You said --  
23 A. Okay. Okay. I want to make that  
24 clear.  
25 Q. In 101, you allege that you told

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1 F. Fiorillo  
2 Ms. Sanchez that you were fired in  
3 retaliation for making certain complaints,  
4 do you see that?  
5 A. Yes.  
6 Q. Okay. I read that correctly,  
7 right?  
8 A. Yes.  
9 Q. Okay. Now with regard to the  
10 complaints that you spoke of with  
11 Ms. Sanchez, prior to that day, had you made  
12 those complaints to George Hesse?  
13 A. About the uncertified officers?  
14 Q. About whatever you're referring  
15 to in 101.  
16 A. About what I complained to Alison  
17 Sanchez about?  
18 Q. Yes.  
19 A. Yeah.  
20 Q. Let me take a step back.  
21 A. Yes. The answer is yes.  
22 Q. Well, 101 -- I think you may be a  
23 little confused by my question. 101, you  
24 are making the allegation that you told  
25 Alison Sanchez that you were terminated

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1 F. Fiorillo  
2 without cause and in retaliation for making  
3 complaints regarding repeated instances of  
4 obstruction of justice, abuse of power and  
5 other unlawful conduct committed by or at  
6 the direction of Hesse, do you see that?  
7 A. Yes.  
8 Q. Now I don't want to know what the  
9 complaints are yet. We'll have plenty of  
10 time to go over that this afternoon. But  
11 with regard to the complaints that you were  
12 referring to when you spoke to Alison  
13 Sanchez and that are set forth in paragraph  
14 101, had you raised those complaints with  
15 George Hesse prior to April 2, 2006?  
16 A. Yes.  
17 Q. Okay. Had you raised those  
18 complaints with Anthony Paridiso -- I'm  
19 sorry, with Chief Paridiso prior to April 2,  
20 2006?  
21 A. Yes.  
22 Q. Had you raised those complaints  
23 with Mayor Rogers?  
24 A. No.  
25 Q. Had you raised those complaints

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1 F. Fiorillo  
2 with Trustee Loeffler?  
3 A. Yes.  
4 Q. Okay. What specific complaint or  
5 complaints did you raise with Trustee  
6 Loeffler prior to April 2, 2006?  
7 A. That the -- the complaint was  
8 that -- was specific to the -- to Gary  
9 Bosetti and Richard Bosetti, first of all.  
10 Q. I'm asking you --  
11 A. That was my complaint  
12 specifically about them.  
13 Q. Yeah. I'm asking you what this  
14 complaint was.  
15 A. Okay. My complaint was --  
16 Q. To Loeffler now.  
17 A. To Joe Loeffler.  
18 Q. Right.  
19 A. Exactly. Joe Loeffler, Jr.  
20 Q. Right.  
21 A. The current mayor.  
22 Q. Right.  
23 A. I com -- I spoke to him and  
24 complained about Gary Bosetti and Richard  
25 Bosetti running amuck in the Village,

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1 F. Fiorillo  
2 constantly drinking. And he knew that  
3 because we had a conversation.  
4 Q. Sir, I'm just asking you about  
5 what your complaint was --  
6 A. That was my complaint.  
7 MO MR. NOVIKOFF: Okay. Motion to  
8 strike what you think Trustee Loeffler  
9 knew or not.  
10 Q. Okay. When did you make this  
11 complaint to Joe Loeffler about the Bosettis  
12 running amuck, constantly drinking in the  
13 Village?  
14 A. In I would say it was 2005.  
15 Q. When in 2005?  
16 A. Summertime.  
17 Q. Where did you make this  
18 Complaint?  
19 A. It was -- he was riding his  
20 bike. He came -- he was actually walking  
21 his bike to the corner of Cottage Walk and  
22 Bay Walk. He was on the -- he was on  
23 the -- let me see what the direction was.  
24 He was on the southeast corner by the hero  
25 shop across from the post office -- the

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1 F. Fiorillo  
2 village offices.  
3 Q. And was this during the daytime?  
4 A. Yes.  
5 Q. Were you on duty?  
6 A. Yes.  
7 Q. What month?  
8 A. It was I would say -- I would say  
9 July.  
10 Q. Okay. And before or after July  
11 4th?  
12 A. Before or after July 4th. I'm  
13 trying to think. I think we had the parade  
14 already, so I would say the best of my  
15 recollection is after the 4th of July.  
16 Q. And what specifically did you say  
17 to Joe Loeffler?  
18 A. I said that "The Bosettis are  
19 poisoning this village."  
20 Q. What else did you say, because I  
21 presume you didn't just end it at "poisoning  
22 the village"?  
23 A. No. We were talking about Gary  
24 and Richard Bosetti.  
25 Q. Who started the conversation?

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1 F. Fiorillo  
2 A. Um, he -- well, it was like  
3 this; he was going to run for mayor.  
4 Q. No. I'm not interested --  
5 A. I'm telling how it started.  
6 Q. No. Did he start the  
7 conversation with you or did you start the  
8 conversation?  
9 A. Well, we greeted each other  
10 hello.  
11 Q. Who said the first words after  
12 "hello"?  
13 A. Um, I did.  
14 Q. Okay. What did you say to him  
15 after you both said hello?  
16 A. I said "Joe, I hear you're going  
17 to run for mayor."  
18 Q. Good. What did he say after  
19 that?  
20 A. He said he was going to run for  
21 mayor.  
22 Q. What did you say?  
23 A. And I said, "Well, when you  
24 became -- when you become mayor, I hope you  
25 clean up the village."

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1 F. Fiorillo  
2 Q. And did you say anything else  
3 before he responded?  
4 A. Did I say anything else?  
5 Q. Right. Did you explain why you  
6 wanted him to clean up the village before he  
7 responded?  
8 A. Yeah. In the conversation,  
9 that's what I said.  
10 Q. Fine. You said you hope he  
11 cleans up the village, and what did Loeffler  
12 say in response to you --  
13 A. Joe said when he becomes mayor,  
14 he's going to clean up the village.  
15 Q. Okay. And did you say anything  
16 else after Joe -- after Joe said that?  
17 A. Yes, I did.  
18 Q. What did you say?  
19 A. I said, "Well, I hope you -- you  
20 know, you take action on what's going on in  
21 this village, because it's, you know,  
22 getting -- it was getting pretty bad."  
23 Q. And what did he say to that?  
24 A. And I said -- well, what I said  
25 was --

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1 F. Fiorillo  
2 Q. Yeah. Tell me.  
3 A. What I said was, "Gary Bosetti  
4 and Richard Bosetti are really taking this  
5 village down."  
6 Q. Okay.  
7 A. And what Joe Loeffler said was,  
8 "Well, when I become mayor, they're going to  
9 be the first two that I fire."  
10 Q. Okay. And did you tell Joe  
11 during that conversation why the Bosetti  
12 brothers were taking the village down as you  
13 say?  
14 A. No. Well, after I said that, he  
15 said, "I know because they're involved in  
16 everything here." That was his exact words.  
17 Q. They were involved in everything.  
18 Did you tell Joe Loeffler anything else  
19 about the Bosettis during that conversation  
20 that you said you complained about drinking  
21 in the village and running amuck? That's  
22 what you said. You said --  
23 A. That's exactly what I said.  
24 Q. That's what I've been asking you.  
25 When did you say that the Bosettis were

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1 F. Fiorillo  
2 running amuck?  
3 A. When did I say that? In the  
4 conversation.  
5 Q. Yeah. When in the conversation?  
6 A. During the course of the  
7 conversation.  
8 Q. We've just gone through it. When  
9 did -- in response to what -- in response  
10 to what did you say --  
11 A. He said he was going to clean up  
12 the village.  
13 Q. And then what did you say?  
14 A. And then I said -- what happened  
15 was -- I said that the Bosettis were taking  
16 this village down.  
17 Q. Right.  
18 A. I said they were -- actually, I  
19 said they were poisoning the village.  
20 Q. Right. Okay.  
21 A. Okay? And what he said was when  
22 he became mayor, that those were going to be  
23 the first two guys that he was going to  
24 fire.  
25 Q. Okay. When did you tell Mayor

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1 F. Fiorillo  
2 Loeffler that they were constantly drinking  
3 in the village?  
4 A. He said that he knew -- he knew  
5 it, too. He -- it wasn't something that he  
6 didn't know.  
7 Q. Sir, I'm not asking you yet what  
8 Loeffler said to you. My question to you  
9 is, you testified earlier that you  
10 complained to Joe Loeffler about the  
11 Bosettis constantly drinking in the village.  
12 Were those your words? Did you say --  
13 A. Yes.  
14 Q. Did you say to Loeffler in this  
15 conversation outdoors while you were on duty  
16 in July, after the parade, after July 4th,  
17 that the Bosettis were constantly drinking  
18 in the village?  
19 A. Yes.  
20 Q. What were your exact words?  
21 A. Those were my words.  
22 Q. Okay. And what did he say in  
23 response to that?  
24 A. When he becomes mayor --  
25 Q. Okay.

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1 F. Fiorillo  
2 A. Okay, that was going to be one of  
3 the first actions he takes.  
4 Q. Okay.  
5 A. That he told me. He said, "Those  
6 are going to be the first two guys I fire."  
7 Q. Okay. Now let me ask you this.  
8 Was Mayor Loeffler the mayor on April 2,  
9 2006?  
10 A. On April 2, 2006? No.  
11 Q. Um, had -- do you know if Mayor  
12 Loeffler became mayor at any point in time  
13 in 2006?  
14 A. Yes.  
15 Q. All right. Do you know as of  
16 today if the Bosettis are still employed by  
17 Ocean Beach?  
18 A. I don't know.  
19 MR. GOODSTADT: Hold on. Let's  
20 take a break while Arlene's phone is  
21 ringing.  
22 MS. ZWILLING: Sorry about  
23 that.  
24 Q. You have no knowledge one way or  
25 the other as to whether Richard Bosetti is

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1 F. Fiorillo  
2 still employed by Ocean Beach?  
3 MR. GOODSTADT: Objection.  
4 A. I don't -- I don't know how they  
5 do their employing. In other words, I don't  
6 know if they go back and -- I don't know.  
7 I don't know.  
8 Q. You never heard of Mr. Bosetti  
9 being fired by Ocean Beach after -- after  
10 April 2, 2006?  
11 A. I don't know what's going on in  
12 Ocean Beach right now.  
13 Q. You have no idea about Gary  
14 Bosetti being fired by Ocean Beach?  
15 A. I have no knowledge of that  
16 whatsoever.  
17 Q. Have you ever heard that Gary  
18 Bosetti is no --  
19 A. This is news to me.  
20 Q. So you're testifying today under  
21 oath that February 20, 2008 is the first  
22 that you have learned that Gary Bosetti is  
23 no longer employed by Ocean Beach?  
24 MR. GOODSTADT: Objection.  
25 A. Yes.

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1 F. Fiorillo  
2 Q. And were you here during the  
3 testimony of Richard Bosetti?  
4 A. Yes.  
5 Q. Do you recall Mr. Bosetti  
6 testifying that Joe Loeffler fired him after  
7 Loeffler caught him sleeping in the police  
8 station?  
9 A. You asked me about Gary.  
10 Q. I know. Now I'm asking you about  
11 Rich.  
12 A. Richie --  
13 Q. Are you -- were you at the  
14 testimony of Richard Bosetti a week ago --  
15 A. Okay.  
16 Q. Wherein -- yes or no, were you at  
17 the testimony of Richard Bosetti when he  
18 testified that Loeffler fired him after  
19 Loeffler saw him sleeping in the police  
20 station?  
21 MR. GOODSTADT: Objection.  
22 A. That's not true.  
23 Q. Were you here when Bosetti said  
24 that?  
25 MR. GOODSTADT: Objection.

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1 F. Fiorillo  
2 A. But he didn't say that.  
3 Q. What did he say?  
4 A. He said that he was sleeping in  
5 the fire hall.  
6 Q. Okay. I'm sorry. Were you here  
7 during Richard Bosetti's deposition when  
8 Richard Bosetti said that Loeffler caught  
9 him sleeping in the fire hall and fired him?  
10 A. Yes.  
11 Q. Okay. Is it your testimony that  
12 that was the first time you had ever learned  
13 that Richard Bosetti was no longer employed  
14 by the Village?  
15 A. That -- that's not my testimony.  
16 Q. When did you first learn that  
17 Richard Bosetti was no longer employed by  
18 the Village?  
19 A. When Kevin Lamm got a call from  
20 John Oley at 6:00 in the morning from Ocean  
21 Beach and told Kevin -- John Oley told  
22 Kevin that Richie Bosetti was fired the day  
23 after the -- the George Hesse, Paul Corallo,  
24 Arnold Hardman indictment fundraiser, the  
25 next day he was fired.

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1 F. Fiorillo  
2 Q. Indictment fundraiser?  
3 A. Yeah. They had an indictment  
4 fundraiser.  
5 Q. Oh, for their legal fees?  
6 A. For their legal fees.  
7 Q. Oh, okay. And when was that?  
8 A. Um, I would say -- I would say  
9 sometime in September of -- let's see --  
10 2007.  
11 Q. Okay. Now let's get back to your  
12 conversation with Joe Loeffler. So he said  
13 to you when he becomes mayor, he would get  
14 rid of -- he would fire the Bosettis. Was  
15 that the only time that you complained to  
16 Joe Loeffler about drinking in the Village?  
17 A. No. I complained to Joe Loeffler  
18 when the Hal -- there was a Halloween  
19 fight.  
20 Q. Right.  
21 A. And he was the ambulance driver.  
22 Q. Right.  
23 A. And he was at the station at the  
24 time.  
25 Q. Right.

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1 F. Fiorillo  
2 A. And we were going through the  
3 whole process of with the victims and the  
4 complainants and --  
5 Q. Right.  
6 A. And the whole scene. And I said,  
7 "This is a result of the Bosettis drinking."  
8 Q. Now the Bosettis were off duty at  
9 the time, right?  
10 A. What do you mean by "off duty"?  
11 Q. Well, the night of the Halloween  
12 incident, were the Bosettis on duty at the  
13 time of the fight?  
14 A. Well, at the time of the fight,  
15 they represented themselves as police  
16 officers.  
17 Q. Were they on duty?  
18 A. I don't know.  
19 Q. You don't know? You never found  
20 out? Mr. Fiorillo, you investigated the  
21 Halloween incident, correct?  
22 A. They claimed --  
23 Q. Sir, you --  
24 A. -- they were off duty.  
25 Q. Sir, you investigated the

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1 F. Fiorillo  
2 Halloween incident, didn't you?  
3 A. Yes.  
4 Q. Did you ever inquire with regard  
5 to whether the Bosettis were on duty that  
6 night?  
7 A. In my opinion, they were off  
8 duty. They weren't working with us.  
9 Q. Fine. So when I asked you the  
10 question --  
11 A. But there's a reason why I  
12 answered that question that way.  
13 Q. I'm sure there is a reason,  
14 Mr. Fiorillo. And Mr. Loeffler wasn't just  
15 hanging out in the police station that  
16 night, right?  
17 A. Well, he --  
18 Q. Right? He wasn't just hanging  
19 out, he had a job that night, correct?  
20 A. Yeah. But he was --  
21 Q. He was with --  
22 A. -- hanging out. He was waiting.  
23 Q. He was with the ambulance?  
24 A. Yeah. But he wasn't doing  
25 anything. He was basically hanging out.

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1 F. Fiorillo  
2 Q. Sir --  
3 A. I mean, he was doing his job.  
4 Q. Sir, was Mr. Loeffler at the  
5 police station before the ambulance arrived?  
6 A. No.  
7 Q. Okay. And Mr. Loeffler was part  
8 of the ambulance crew that night, correct?  
9 A. He was the driver.  
10 Q. Right. And when the ambulance  
11 left, so did Mr. Loeffler, right?  
12 A. Correct.  
13 Q. Given that he was the driver.  
14 Okay. So you had told Mr. Loeffler the  
15 night of the Halloween incident that this is  
16 the result of the Bosettis drinking, right?  
17 You had this so called conversation with  
18 Mr. Loeffler in July of 2005 when you said  
19 the Bosettis are constantly drinking in the  
20 Village, correct?  
21 A. Which he knew.  
22 Q. Fine. You had that conversation,  
23 correct?  
24 A. Yes.  
25 Q. Okay. Were there any other times

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1 F. Fiorillo  
2 that you complained to Joe Loeffler about  
3 drinking in the Village?  
4 A. No.  
5 Q. Okay. Were there any other times  
6 that you made any complaints to Joe  
7 Loeffler, other than what you've just  
8 testified to, with regard to what you stated  
9 to Ms. Sanchez during that April meeting  
10 with her?  
11 A. I don't --  
12 MR. GOODSTADT: Just so we're  
13 clear, you're asking whether he  
14 complained to Loeffler about anything  
15 that he said?  
16 MR. NOVIKOFF: Right.  
17 Q. We started out this whole line of  
18 questioning with what you said to Sanchez in  
19 that meeting. You generally said to her  
20 that you were being fired for -- in  
21 retaliation for making certain complaints,  
22 right, concerning --  
23 A. What I said --  
24 Q. Excuse me.  
25 A. Sure.



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1 F. Fiorillo  
2 Q. Concerning obstruction of  
3 justice, abuse of power and other unlawful  
4 conduct, right?  
5 A. Now you -- I was complaining to  
6 Alison Sanchez at this point.  
7 Q. Yes.  
8 A. Okay. Yes.  
9 Q. And then I asked you a series of  
10 questions, Mr. Fiorillo. I said with regard  
11 to what you believe was complaints that  
12 formed the basis of the retaliatory action,  
13 did you complain to George Hesse, and you --  
14 A. Yes.  
15 Q. -- said yes. I asked you if you  
16 complained to Paradiso. You said yes.  
17 A. Yes.  
18 Q. Then I asked you if you  
19 complained to Loeffler, and you gave me two  
20 instances.  
21 A. Right.  
22 Q. With regard to any of the  
23 complaints that you repeatedly made that  
24 formed your belief that you were retaliated  
25 against, did you make any complaints to Joe

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1 F. Fiorillo  
2 Loeffler?  
3 A. Any other than the two mentioned?  
4 Q. Right.  
5 A. No.  
6 Q. Okay. And you're certain of  
7 that?  
8 A. Yeah. I don't believe I ever  
9 spoke to Joe Loeffler after that.  
10 Q. I'm talking about before. At any  
11 time. You started working there in 2002,  
12 right?  
13 A. Yeah, but it wasn't --  
14 Q. Sir --  
15 A. Yes. Yes.  
16 Q. In 2002, did you ever make a  
17 Complaint to Trustee Loeffler?  
18 A. No.  
19 Q. In 2003, did you ever make a  
20 Complaint to Trustee Loeffler?  
21 A. No.  
22 Q. In 2004, did you ever make a  
23 Complaint to Trustee Loeffler?  
24 MR. GOODSTADT: Other than the  
25 ones he already testified to?

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1 F. Fiorillo  
2 A. Yes. Yes. Yes.  
3 Q. Well, yes. Other than the  
4 Halloween incident.  
5 A. That's 2004.  
6 Q. Right. So other than the  
7 Halloween incident, did you make any other  
8 complaints to Trustee Loeffler?  
9 A. In 2004?  
10 Q. Right.  
11 A. No.  
12 Q. In 2005, other than this one time  
13 you spoke about in July, did you make any  
14 other complaints to Trustee Loeffler?  
15 A. No.  
16 Q. 2006, did you --  
17 A. No.  
18 Q. Okay. So you -- is it your  
19 opinion that the Bosettis drinking in the  
20 Village created a public safety hazard?  
21 A. Absolutely.  
22 Q. And when did you first form this  
23 belief?  
24 A. Well, you can't -- you can't keep  
25 on going out drinking when -- after --

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1 F. Fiorillo  
2 Q. Sir --  
3 A. Well, I'm going to explain -- I'm  
4 going to answer the question.  
5 Q. Sir, right now I don't care about  
6 why you think that. I'm asking you, you  
7 stated that you formed the belief that the  
8 Bosettis drinking in the Village created a  
9 public safety issue, right?  
10 A. Yes.  
11 Q. When did you first form that  
12 belief?  
13 A. It -- it -- well, let's see,  
14 after I started working there in 2002.  
15 Q. When in 2002 did you first form  
16 that belief?  
17 A. When I first started to get to  
18 know both Richie and Gary and their  
19 behavior.  
20 Q. So you formed this belief in  
21 2002?  
22 A. Yes. And it strengthened then as  
23 the years went by.  
24 Q. And we're going to get to that  
25 right now. So in 2002, you formed the

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1 F. Fiorillo  
2 belief that the drinking by the Bosettis  
3 were creating a public safety issue, right?  
4 A. Yes.  
5 Q. And did you complain to Hesse in  
6 2002?  
7 A. No, not in 2002.  
8 Q. Okay. Did you complain to  
9 Paridiso in 2002?  
10 A. Not in 2002.  
11 Q. Did you -- did you write any  
12 letters to the Suffolk County DA?  
13 A. No.  
14 Q. Did you complain to the DA in  
15 2002?  
16 A. Why would I complain to the DA?  
17 Q. Sir, my question is not why you  
18 would or why you wouldn't. In 2002, when  
19 you first formed the belief that the  
20 drinking by the Bosettis created a public  
21 safety issue, did you complain to the  
22 Suffolk County District Attorney's office?  
23 A. No.  
24 Q. Did you complain to any police  
25 department on Long Island?

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1 F. Fiorillo  
2 A. Well, indirectly.  
3 Q. No. Directly. You, making a  
4 complaint.  
5 A. When you say "any police  
6 department" --  
7 Q. Other than Ocean Beach -- well,  
8 you didn't make a complaint to Hesse and you  
9 didn't make a complaint to Paridiso. So  
10 other than Ocean Beach, did you make a  
11 complaint to any other police department in  
12 Long Island concerning the Bosettis drinking  
13 in 2002 and your belief that their drinking  
14 created a public safety issue?  
15 A. Yes.  
16 Q. To whom?  
17 A. Suffolk County Police.  
18 Q. Which person?  
19 A. Mike Santarpia.  
20 Q. And who is Michael Santarpia?  
21 A. He's an academy instructor at the  
22 Suffolk County Police Academy.  
23 Q. And what did you say to Michael  
24 Santarpia?  
25 A. I said that, "I can't believe the

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1 F. Fiorillo  
2 department that I'm in and what's going on,  
3 because what you taught me is absolutely not  
4 what -- what is happening in this police  
5 department."  
6 Q. And what was Mr. Santarpia's  
7 position at the time?  
8 A. He was an academy instructor.  
9 Q. Was he a captain in the police  
10 department, in any police department?  
11 A. He was the academy instructor for  
12 the Suffolk County Police.  
13 Q. Was he in charge of any type of  
14 precinct in Suffolk County?  
15 A. No.  
16 Q. Okay. And why did you complain  
17 to Mr. Santarpia?  
18 A. Because I had a rapport with  
19 Mr. Santarpia going through the academy.  
20 Q. And you complained to him that  
21 the Bosettis were drinking and creating a  
22 public safety issue?  
23 A. Yes.  
24 Q. Okay. And what did Mr. Santarpia  
25 say he was going to do? Anything?

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1 F. Fiorillo  
2 A. Um, he -- he didn't say he was  
3 going to do anything in particular.  
4 Q. That's my question.  
5 A. No.  
6 Q. Did you ask him to do anything in  
7 particular?  
8 A. No. But he just --  
9 Q. My question to you, sir, is did  
10 you ask him to do anything in particular?  
11 A. No.  
12 Q. Other than to Mr. Santarpia, did  
13 you complain to any other police department  
14 in Long Island in 2002 about your belief  
15 that the Bosettis drinking created a public  
16 safety issue?  
17 A. Now when you say police  
18 department or police officer in another  
19 department --  
20 Q. Police department.  
21 A. Okay. No.  
22 Q. Okay. Who else did you complain  
23 to in 2002 that was part of the police -- a  
24 police department on Long Island?  
25 A. Jane Harrigan.

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1 F. Fiorillo  
2 Q. Spell it, please.  
3 A. H-A-R-R-I-G-A-N.  
4 Q. And what did you say to  
5 Mr. Harrigan?  
6 A. Ms.  
7 Q. Ms. Harrigan?  
8 A. Jane. Jane.  
9 Q. What did you say to her?  
10 A. I explained to her that Ocean  
11 Beach hired retired city cops that just  
12 didn't conform with what we were taught in  
13 the academy.  
14 Q. Okay. And did you complain to  
15 any other police officer outside of Ocean  
16 Beach in 2002?  
17 A. Not that I can recall at this  
18 time.  
19 Q. Did you communicate with anyone  
20 from the Suffolk County District Attorney's  
21 office with regard to your belief in 2002  
22 that we've been discussing?  
23 A. No.  
24 Q. Did you communicate with anyone  
25 from Newsday in 2002 with regard to your

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1 F. Fiorillo  
2 belief that we've been discussing?  
3 A. No.  
4 Q. Did you communicate with any  
5 other -- with any media outlet with regard  
6 to the belief that you formed in 2002 that  
7 we've been discussing?  
8 A. No.  
9 Q. And you understand what I mean by  
10 "media outlet," correct?  
11 A. Yes.  
12 Q. What do you -- what's your  
13 understanding, just so we're clear?  
14 A. The press.  
15 Q. Correct. Radio? TV?  
16 A. Yeah.  
17 Q. Did you -- did you create any  
18 blog in 2002?  
19 A. No.  
20 Q. Did you post any blog in 2002  
21 that reflected your belief that we've been  
22 talking about?  
23 A. No.  
24 Q. Okay. Did you attend any board  
25 meeting in 2000 -- of the Village in 2002?

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1 F. Fiorillo  
2 A. No.  
3 Q. Did you attend any Suffolk County  
4 Legislative meeting in 2002?  
5 A. No.  
6 Q. Did you make any type of public  
7 statement in 2002 concerning your belief  
8 that we've been talking about?  
9 A. No.  
10 MR. GOODSTADT: Objection.  
11 What do you mean by "public statement"?  
12 He already testified to two people he's  
13 spoken to.  
14 Q. Other than the two people that  
15 you've spoken to?  
16 A. I don't believe so.  
17 Q. Okay. How about 2003, did you  
18 complain to George Hesse about the Bosettis  
19 drinking in 2003?  
20 A. Yes.  
21 Q. Did you complain to Paridiso in  
22 2003 about the Bosettis drinking?  
23 A. It was an ongoing thing.  
24 Q. I'm asking --  
25 A. Yes.

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1 F. Fiorillo  
2 Q. What did Paridiso say?  
3 A. That he would address it.  
4 Q. Did he?  
5 A. He tried to.  
6 Q. Was he successful?  
7 A. No.  
8 Q. When you say "he tried to," what  
9 did he do?  
10 A. He posted a note saying that  
11 the -- that officers were supposed to leave  
12 their -- get out of Ocean Beach after their  
13 tours instead of frequenting the bars.  
14 Q. Okay. So when you were  
15 complaining about the Bosettis drinking, it  
16 would include the time that they were  
17 drinking while they were off duty, correct?  
18 A. Well --  
19 Q. It may -- I'm not suggesting that  
20 it didn't also include when they were on  
21 duty.  
22 A. Yes.  
23 Q. I'm just saying, for the purpose  
24 of my question, when you started complaining  
25 about the Bosettis drinking in the village,



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1 F. Fiorillo  
2 it would include those occasions when they  
3 were off duty as well, right?  
4 A. Only because of --  
5 Q. I just need a --  
6 A. Well, yes. It encompassed that  
7 also.  
8 Q. Right. Okay. And in 2003, did  
9 you complain to Mayor Rogers?  
10 A. No.  
11 Q. And you still had the belief that  
12 the drinking of the Bosettis created a  
13 public safety hazard?  
14 A. Absolutely.  
15 Q. And did you complain to Trustee  
16 Loeffler?  
17 A. Not in 2003.  
18 Q. Did you complain to any media  
19 outlet?  
20 A. No.  
21 Q. Did you communicate with the  
22 Suffolk County District Attorney's office?  
23 A. No.  
24 Q. Did you speak about your opinion  
25 that we've been discussing in 2003 with any

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1 F. Fiorillo  
2 police department or police officer from any  
3 police department outside of Ocean Beach?  
4 A. No.  
5 Q. Did you attend any Village of  
6 Ocean Beach board meetings?  
7 A. No.  
8 Q. Did you attend any Suffolk County  
9 Legislative meetings?  
10 A. No.  
11 Q. Did you do anything beyond  
12 speaking to Hesse and Paridiso in 2003 with  
13 regard to your opinion that the Bosettis  
14 drinking created a public safety issue?  
15 A. Did I do anything?  
16 Q. Yeah. Other than what you said  
17 you did with Hesse and Paridiso?  
18 A. I didn't do anything.  
19 Q. Right. Let me make it clear.  
20 A. I mean, they --  
21 Q. Other than complaining to Hesse  
22 and Paridiso in 2003, did you do anything  
23 else with regard to advising anyone in the  
24 entire world that, in your belief, the  
25 Bosettis drinking created a public safety

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1 F. Fiorillo  
2 problem?  
3 MR. GOODSTADT: Including other  
4 police officers in Ocean Beach Police  
5 Department?  
6 MR. NOVIKOFF: Excluding that.  
7 MR. GOODSTADT: Okay.  
8 A. I didn't do anything.  
9 Q. Right. 2004, did you complain to  
10 Hesse about the Bosettis drinking?  
11 A. Yes.  
12 Q. And did you complain to Paridiso?  
13 A. Yes.  
14 Q. And what did Paridiso say to you?  
15 A. That he was going to address it.  
16 Q. Even though he tried to address  
17 it in 2003?  
18 A. Exactly.  
19 Q. What did he say specifically?  
20 A. That he was going to talk to them  
21 about -- because it all -- it revolved  
22 around the Halloween incident.  
23 Q. Okay. Did you complain to  
24 Paridiso before the Halloween incident about  
25 the Bosettis drinking?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. And what did he say to you before  
4 the Halloween incident?  
5 A. He was going to talk to them  
6 about it then also.  
7 Q. Okay. And did he?  
8 A. I don't know. I wasn't there.  
9 Q. Okay. So would you agree with me  
10 that notwithstanding your complaints in  
11 2002, 2003 and 2004, prior to the Halloween  
12 incident, there was nothing that was done  
13 to, in your opinion, lessen the public  
14 safety issue that revolved around the  
15 Bosettis drinking?  
16 A. In my opinion, Hesse didn't do  
17 anything about it and Paridiso didn't do  
18 anything about it.  
19 Q. Right.  
20 A. That's my opinion.  
21 Q. And in 2004, you believe the  
22 public safety issue with regard to the  
23 drinking by the Bosettis was stronger than  
24 it was in 2002, right?  
25 A. I believe so.

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1 F. Fiorillo  
2 Q. You believed it was getting  
3 worse?  
4 A. I definitely do. That's my  
5 opinion.  
6 Q. And that's all I'm asking you.  
7 And you believe that, in fact, between 2002  
8 and 2004, the public's safety was even more  
9 at risk?  
10 A. I believe so.  
11 Q. In 2004, right?  
12 A. Well, apparently --  
13 Q. Than it was in 2002?  
14 A. It was pretty apparent.  
15 Q. Yes or no?  
16 A. Yes.  
17 Q. Okay. And in 2004, did you  
18 complain to the board of trustees of the  
19 Village?  
20 A. In 2004?  
21 Q. Yeah.  
22 MR. GOODSTADT: Other than for  
23 Loeffler, who was a trustee at the  
24 time?  
25 Q. Other than -- other than for what

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1 F. Fiorillo  
2 you said --  
3 A. I spoke to him.  
4 Q. Hold on. Other than for what you  
5 said -- withdrawn. Other than for what you  
6 testified that you said to Loeffler the  
7 night of the Halloween incident, did you  
8 ever complain to any other trustee in 2004  
9 about the public safety issue that we've  
10 been discussing?  
11 A. I don't believe so.  
12 Q. Did you ever complain to Mayor  
13 Rogers --  
14 A. No.  
15 Q. -- in 2004? Did you ever attend  
16 a Village board meeting?  
17 A. No.  
18 Q. Did you ever communicate with the  
19 Suffolk County District Attorney's office  
20 concerning your belief as to the public  
21 safety issue?  
22 A. No.  
23 Q. Did you ever communicate to any  
24 media outlet with regard to your opinion?  
25 A. No.

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1 F. Fiorillo  
2 Q. No?  
3 A. No.  
4 MR. GOODSTADT: You're still  
5 talking about '04?  
6 MR. NOVIKOFF: '04. Only in  
7 '04.  
8 A. No.  
9 Q. Did you complain to any other  
10 police department in Long Island?  
11 A. No.  
12 Q. So, again, let me understand then  
13 your testimony correctly. Other than --  
14 well, withdrawn. In 2004, you -- you  
15 believed that there was a public safety  
16 issue concerning the Bosettis drinking in  
17 the Village, correct?  
18 A. I'm sorry.  
19 Q. In 2004 --  
20 A. In 2004, yes.  
21 Q. And notwithstanding this belief,  
22 the only communications that you had on this  
23 matter were with Hesse, Paridiso and the one  
24 time with Loeffler on Halloween night?  
25 A. In 2004.

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1 F. Fiorillo  
2 Q. Right.  
3 A. Yes.  
4 Q. Yes. Okay. Now --  
5 MR. GOODSTADT: And you're  
6 excluding other officers in the Ocean  
7 Beach Police Department?  
8 MR. NOVIKOFF: Yes. I'm  
9 excluding other officers.  
10 Q. The only superiors you had at the  
11 Ocean Beach Police Department were Hesse and  
12 Paridiso, right?  
13 A. Well, if they weren't working,  
14 then it would be the senior officer over me  
15 who had the most experience.  
16 Q. But on -- as for the full-time  
17 officers --  
18 A. There was only two at the time.  
19 Q. Hesse and Paridiso?  
20 A. Correct.  
21 Q. Okay. And how -- let's go to  
22 2005 with regard to the Bosettis drinking.  
23 Did you complain to Hesse about the Bosettis  
24 drinking in 2005?  
25 A. Not in 2005.

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1 F. Fiorillo  
2 Q. No? Why not?  
3 A. Because what was going on -- the  
4 department was starting to fragment in I  
5 would say after -- after the Halloween  
6 incident. So, um, to be honest with you, we  
7 were -- we were -- "we" meaning myself,  
8 Kevin Lamm, and Tommy Snyder -- were being,  
9 um, let's see. We were being alienated  
10 so -- so to speak.  
11 Q. Okay. By whom were you being  
12 alienated?  
13 A. Richard Bosetti, Gary Bosetti,  
14 George Hesse.  
15 Q. How were the Bosettis alienating  
16 you?  
17 A. And, also, there was another --  
18 Pat -- Pat Cherry also.  
19 Q. How were the Bosettis alienating  
20 you?  
21 A. Well, when -- if I came on duty  
22 and I was relieving one of them, they  
23 wouldn't talk to you. They wouldn't let you  
24 know what's going on in the Village. They  
25 would actually be in their car at the relief

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1 F. Fiorillo  
2 point, and the radio and the phone would be  
3 in the police vehicle, and as soon as they'd  
4 seen me drive up, they would go.  
5 Q. How was Cherry alienating you?  
6 A. He wouldn't talk to me because of  
7 the Halloween incident.  
8 MO MR. NOVIKOFF: Move to strike.  
9 Q. I'm just asking you how did  
10 Cherry alienate you. I'm not asking why you  
11 think he was alienating you. I'm just  
12 asking how did he alienate you.  
13 MR. GOODSTADT: He answered the  
14 question. You made your motion. Let's  
15 move on.  
16 Q. How did -- how did he alienate  
17 you?  
18 A. Well, that was part of the  
19 alienation. I mean, he wouldn't speak to  
20 me.  
21 Q. He wouldn't speak to you?  
22 A. Yeah.  
23 Q. Is that it?  
24 A. Well, yeah.  
25 Q. Okay. How did Hesse alienate you

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1 F. Fiorillo  
2 in 2005?  
3 A. Hesse was very -- he was keeping  
4 me out of the loop on -- basically the  
5 Halloween incident was paramount at this  
6 time between the -- between like Halloween  
7 of 2004 all the way through 2005, and until  
8 the day I was fired actually.  
9 MO MR. NOVIKOFF: Okay. Move to  
10 strike.  
11 Q. How did Hesse alienate you --  
12 A. Didn't I answer the question?  
13 MR. GOODSTADT: You did.  
14 Q. How? How? Not why. Not why you  
15 think he did. How? How did Hesse alienate  
16 you in 2005?  
17 MR. GOODSTADT: He just  
18 answered the question, but he can  
19 answer it again.  
20 Q. That's fine. How did Hesse  
21 alienate you? What did he do or didn't do?  
22 A. He kept me out of the loop of --  
23 okay. Let's say there was a Christmas  
24 party, okay?  
25 Q. Right.

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1 F. Fiorillo  
2 A. In 2004.  
3 Q. We're not talking about 2004.  
4 We're talking 2005 now.  
5 A. No. You told me how -- how he  
6 alienated me --  
7 Q. In 2005.  
8 A. Since Halloween.  
9 Q. No, not since Halloween. You  
10 said that in 2005 --  
11 A. Okay, so -- okay.  
12 Q. Four people started alienating  
13 you. You talked about the Bosettis --  
14 A. Well, it started -- it started --  
15 Q. Oh, okay.  
16 A. It started from -- I'm going to  
17 tell you when it started. It started from  
18 the Halloween incident.  
19 Q. Okay.  
20 A. That's when it started.  
21 Q. Okay.  
22 A. That's when the department really  
23 started to fragment.  
24 Q. Okay. How did Hesse alienate  
25 you?

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1 F. Fiorillo  
2 A. Okay. If I was in the station,  
3 okay, and I came in, he would close the  
4 door. The Bosettis, Hardman and whoever  
5 else was in the room -- those people I know  
6 were in the room, but I don't know, there  
7 might have been other officers -- closed the  
8 door. Slammed the door. So now I'm on the  
9 outside, they're on the inside.  
10 Q. Okay.  
11 A. Okay?  
12 Q. Any other instances?  
13 A. It happened numerous times.  
14 Q. Any other examples, different  
15 from what you just said?  
16 MR. GOODSTADT: In addition to  
17 keeping him out of the loop and the  
18 Christmas party?  
19 MR. NOVIKOFF: I don't know  
20 about putting him out of the loop.  
21 That's what I'm asking.  
22 A. What's that?  
23 Q. You testified that an example  
24 which happened numerous occasions was Hesse  
25 would slam the door on you and he had

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1 F. Fiorillo  
2 Hardman and other people in his office,  
3 right?  
4 A. Gary Bosetti, Richard, Hardman.  
5 Q. Any other examples of how Hesse  
6 alienated you in 2005?  
7 MR. GOODSTADT: In addition to  
8 keeping him out of the loop and in  
9 addition to the Christmas party?  
10 MR. NOVIKOFF: I don't know  
11 what the loop is, so.  
12 A. I remember that there was a  
13 Christmas party in 2005. Um, it just so  
14 happened we weren't invited. All the other  
15 members --  
16 Q. "We" being who?  
17 A. Excuse me?  
18 Q. "We" being who?  
19 A. Okay. "We" being Tommy Snyder,  
20 Kevin Lamm, myself.  
21 Q. Okay. Any other examples of how  
22 he alienated you, "he" being Hesse, in 2005?  
23 A. Well, in 2005, it became -- let's  
24 see. I'm trying to figure it. In 2005, at  
25 a certain point in time, he took over the

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1 F. Fiorillo  
2 scheduling, and what happened was I worked  
3 all year round on the schedule, and all of a  
4 sudden, there came a point in time, I don't  
5 know, maybe October of 2005 that I was off  
6 the schedule, because I normally worked  
7 Thanksgiving. I worked every Thanksgiving  
8 since I started there, and, um, I didn't  
9 work Thanksgiving. But I didn't work any  
10 tours at all.  
11 Q. Oh, okay. So after --  
12 A. Only, okay, from after --  
13 from -- let's see. I didn't work any tour  
14 at a certain point in time in -- I don't  
15 know -- I want to say October. From after  
16 October, the only tour I worked was, to the  
17 best of my memory, is New Year's Eve and New  
18 Year's Day. So it would be like the end of  
19 2005, the first day in 2006, and that was my  
20 last tour. I didn't get any tours all the  
21 way to April 2, 2006, the day where I was  
22 fired. So that, to me, I was being  
23 alienated.  
24 Q. Okay. So if I understand you  
25 correctly, at some point in time in October

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1 F. Fiorillo  
2 of 2005, in your opinion, Hesse became in  
3 control of scheduling?  
4 A. I don't -- I don't know exactly  
5 if who became in -- in control.  
6 Q. Well, you said you believed Hesse  
7 did.  
8 A. Yeah. But I don't know if it was  
9 him, you know -- I think quite possibly it  
10 was him.  
11 Q. Well, you just said Hesse was and  
12 then after that you didn't get many tours.  
13 A. Right.  
14 Q. Right.  
15 A. I'm saying I believe it was him.  
16 Q. Right. Okay. That's what I'm  
17 asking you.  
18 A. Okay. I'm sorry.  
19 Q. So in 2000 -- after the season  
20 was over -- well --  
21 A. No. Don't go by the season,  
22 because I worked --  
23 Q. Sir --  
24 MR. GOODSTADT: Let him ask the  
25 question.

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1 F. Fiorillo  
2 Q. October is after the season,  
3 right?  
4 A. No. But I think I worked a tour  
5 in October. That's what I'm trying --  
6 Q. I'm not --  
7 A. Or late September.  
8 Q. Sir, I'm not asking you that  
9 question. I just want to understand what  
10 your knowledge is. October is after the  
11 season, right?  
12 A. For the seasonals.  
13 Q. Right.  
14 A. Yes.  
15 Q. The season is two weeks before --  
16 A. For the seasonals.  
17 Q. Sir, the season is two weeks  
18 before Memorial Day to two weeks after Labor  
19 Day, right?  
20 A. Correct.  
21 Q. So we can all agree that October  
22 is after the "season," right?  
23 A. For the seasonal police officers.  
24 Q. Right.  
25 A. Correct.

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1 F. Fiorillo  
2 Q. So if I understand your  
3 testimony, at some point after the 2005  
4 season ended, Hesse began to assume control  
5 of the scheduling and your tours ended?  
6 A. Yes.  
7 Q. Fine. You were hired for the  
8 2005 season, right?  
9 A. I was hired --  
10 Q. You were hired by the Village of  
11 Ocean Beach for the 2005 season, correct?  
12 MR. GOODSTADT: Objection.  
13 A. I kept on working.  
14 MR. GOODSTADT: Before.  
15 A. I was hired in 2002.  
16 MR. GOODSTADT: Yeah.  
17 Q. Did you work for the Village in  
18 the 2005 season?  
19 A. Yes.  
20 Q. Okay. And Mr. Hesse was there at  
21 the time, correct?  
22 A. Yes.  
23 Q. Okay. And that was after the  
24 Halloween incident?  
25 A. Yes.

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1 F. Fiorillo  
2 Q. Any other examples of how Hesse  
3 alienated you in 2005?  
4 A. Um, I believe there was a party  
5 for Hank Clemens because he was coming home  
6 from I think it was Iraq, and his wife told  
7 Hesse to post the, um, date that Hank was  
8 going to come back because she was having a  
9 party for him, and Hesse took the, um, the  
10 invitation off the bulletin board so that  
11 Kevin, myself and Tommy, we never -- what  
12 happened was Kevin saw Hank's wife later on  
13 after the party and said, "How come you  
14 didn't come?" And then he said, "Well, I  
15 didn't even know about it." And then she  
16 said that she gave George the invitation to  
17 put on the bulletin board, and that's --  
18 that's how I felt we were alienated. You  
19 know.  
20 Q. Any other examples? Listen, I'm  
21 not challenging how you feel.  
22 A. The Christmas party.  
23 Q. I'm just asking you to give me  
24 some examples.  
25 A. The Christmas party.

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1 F. Fiorillo  
2 Q. You told me that.  
3 A. No. In 2005.  
4 Q. Right. I think you've mentioned  
5 that.  
6 A. Okay.  
7 Q. Any other examples of alienation  
8 at the hands of George Hesse in 2005?  
9 A. I would say, to the best of my  
10 memory right now, those are -- those that I  
11 gave you.  
12 Q. Okay. Now let's -- let me ask  
13 you this, and maybe it could prevent me from  
14 having to ask you numerous questions.  
15 You've alleged in paragraph 101 that you  
16 believed you were retaliated against because  
17 of complaints that you made concerning  
18 various instances of obstruction of justice,  
19 abuse of power and other unlawful conduct?  
20 A. Absolutely.  
21 Q. Okay. Did you ever complain to  
22 Mayor Rogers about any of the examples of  
23 what you say you complained about?  
24 A. No.  
25 Q. Okay. Did you ever complain to



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1 F. Fiorillo  
2 Trustee Loeffler about any of the complaints  
3 that -- any of the examples that you've  
4 complained about that's referenced in 101,  
5 other than what you've already testified to?  
6 A. No.  
7 Q. The answer's no?  
8 A. Right.  
9 Q. And we understand what you've  
10 already testified to, right?  
11 A. Yes. Yes. Yes.  
12 Q. Did you ever complain -- same  
13 question now with regard to the board of  
14 trustees as a group, did you ever complain  
15 to them?  
16 A. No.  
17 Q. And this is from 2002 through  
18 April 2, 2006, correct?  
19 A. (Indicating).  
20 Q. You never complained to them?  
21 A. No.  
22 Q. Did you ever complain to the  
23 Suffolk County District Attorney's office?  
24 A. No.  
25 Q. Did you ever communicate with the

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1 F. Fiorillo  
2 Suffolk County District Attorney's office  
3 before April 2, 2006 about the complaints  
4 that you say you were fired for in  
5 retaliation for making the complaints? Do  
6 you want me to rephrase the question?  
7 A. Yes, please.  
8 Q. You got it. With regard to those  
9 complaints that you are referencing in  
10 paragraph 101, did you ever communicate with  
11 the Suffolk County District Attorney's  
12 office prior to April 2, 2006?  
13 A. Yes.  
14 Q. Okay. On what issue or issues  
15 did you complain to the Suffolk County  
16 District Attorney's office about prior to  
17 April 2, 2006?  
18 A. The Halloween fight.  
19 Q. Okay.  
20 A. The Jesse Prisco incident.  
21 Q. Okay.  
22 A. The Samuel Gilbert incident.  
23 Q. Okay.  
24 A. Those things.  
25 Q. Okay. Jesse Prisco, what was

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1 F. Fiorillo  
2 that incident? What are you talking about  
3 when you say "Jesse Prisco"? I understand  
4 the Halloween. I think I know what the  
5 Gilbert incident is. Prisco I don't know.  
6 A. Prisco was --  
7 MR. GOODSTADT: That's because  
8 you didn't let him answer any questions  
9 about Prisco, otherwise you would know.  
10 MR. NOVIKOFF: Okay.  
11 A. Jesse Prisco was a, um, a --  
12 let's see, how can I put this? He was a  
13 renter in a house.  
14 Q. Um-hum.  
15 A. He was a lawyer.  
16 Q. Right.  
17 A. There was a -- do you want me to  
18 explain the whole thing or how far, you  
19 know, like --  
20 Q. I just need a description of what  
21 you're referring to. I mean --  
22 A. All right. There was --  
23 Q. Was it a police brutality? Was  
24 it an unlawful --  
25 A. I'll shorten it up. I'll shorten

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1 F. Fiorillo  
2 it up. It was a police brutality incident.  
3 Q. When did it take place, at least  
4 in your opinion?  
5 A. That took place I want to say  
6 in -- I want to say that took place sometime  
7 in 2004.  
8 Q. Okay. Now you say you  
9 communicated with the Suffolk County  
10 District Attorney's office. With regard to  
11 the Halloween incident that you just  
12 testified to, did you contact the Suffolk  
13 County DA's or did they contact you?  
14 A. The Halloween incident, they  
15 contacted me.  
16 Q. Okay. When did the Suffolk  
17 County DA's office contact you about the  
18 Halloween incident?  
19 A. I don't recall. I don't know the  
20 timeline.  
21 Q. Well, was it in 2004?  
22 A. I think it was in 2005.  
23 Q. And who contacted you at the DA's  
24 office?  
25 A. Let's see. I believe it was --

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1 F. Fiorillo  
2 it started with the Samuel Gilbert incident  
3 in 2005.  
4 Q. Okay.  
5 A. Okay? That was around the end of  
6 August 2005.  
7 Q. Okay. So then let me just stop  
8 you, because I don't mean to interrupt your  
9 answer.  
10 A. Because I'm trying to get the  
11 timeline.  
12 Q. That's what I'm trying to focus  
13 on. So is it your testimony that the first  
14 time you would have communicated with the  
15 Suffolk County District Attorney's office  
16 concerning the Halloween incident was after  
17 the Gilbert incident in August of 2005?  
18 A. I believe so.  
19 Q. Okay. And when --  
20 A. I didn't -- they contacted me.  
21 Q. Well, you've established --  
22 you've established that from the Halloween.  
23 I think we're going to be able to clear this  
24 up in a couple minutes. When the Suffolk  
25 County District Attorney's office first

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1 F. Fiorillo  
2 communicated with you with regard to  
3 anything involving Ocean Beach, was it  
4 specifically with regard to the Halloween  
5 incident or was it with regard to the  
6 Gilbert incident as well?  
7 A. Both.  
8 Q. Okay. And --  
9 A. Actually, actually, the three of  
10 them -- all three.  
11 Q. Okay. So with regard to Prisco,  
12 Gilbert and the Halloween incident, you  
13 would have not communicated with the DA's  
14 office until after the Gilbert incident; is  
15 that correct?  
16 A. Yeah. Because they contacted me  
17 in --  
18 Q. Right.  
19 A. After the Gilbert incident.  
20 Q. And who did you speak to?  
21 A. Well, initially the, um,  
22 initially they came to my house.  
23 Q. I'm just saying, who?  
24 A. Well, many people.  
25 Q. Who was the first one?

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1 F. Fiorillo  
2 A. Tom Iacopelli and an investigator  
3 Cori -- Corallao. Something like -- I'm not  
4 familiar with -- with the name.  
5 MR. NOVIKOFF: Now -- and I  
6 think the tape -- how much time do I  
7 have left on the tape?  
8 THE VIDEOGRAPHER: Two minutes.  
9 Q. So -- and we'll get more -- in  
10 more detail with the DA's conversations with  
11 you. Did you ever advise -- well, did you  
12 ever report to the Ocean Beach Police  
13 Department that the Suffolk County District  
14 Attorney's office communicated to you with  
15 regard to Gilbert, Prisco and the Halloween  
16 incident?  
17 A. I spoke to George Hesse.  
18 Q. What did you say to George Hesse?  
19 A. I said they contacted me.  
20 Q. And what did he say?  
21 A. He said, "It's not a big deal."  
22 He goes, "I'm not even worried about it."  
23 Q. Did he tell you to lie?  
24 A. Did he tell me to lie?  
25 Q. Yeah.

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1 F. Fiorillo  
2 A. No. We didn't discuss anything  
3 that was --  
4 Q. Did he tell you -- did he  
5 threaten you when you reported this to him?  
6 A. No.  
7 Q. Did he do anything, in your  
8 opinion, that you believed indicated that he  
9 wanted you to be less than truthful with the  
10 Suffolk County District Attorney's office?  
11 A. Of course not.  
12 MR. NOVIKOFF: Okay. Let's  
13 switch the tape.  
14 THE VIDEOGRAPHER: This ends  
15 tape number two. The time is 12:25  
16 p.m. We're going off the record.  
17 (A break was taken.)  
18 THE VIDEOGRAPHER: This begins  
19 tape number three. The time is 1:16  
20 p.m. Back on the record.  
21 Q. Mr. Fiorillo, we left before the  
22 lunch break discussing generally the time --  
23 the initial time that the Suffolk County  
24 District Attorney contacted you, and I think  
25 you testified that it was at some point in

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1 F. Fiorillo  
2 time after the Gilbert incident in August of  
3 2005; is that correct?  
4 A. Correct.  
5 Q. Okay. On how many occasions  
6 between 2005 -- August 2005 and April 2 of  
7 2006 did you and someone from the Suffolk  
8 County District Attorney's office  
9 communicate concerning Ocean Beach?  
10 A. I don't recall how many times  
11 specifically.  
12 Q. Between one and five?  
13 A. I would say.  
14 Q. More than five?  
15 A. I don't think so.  
16 Q. Okay. And I'll get back to  
17 that -- to those conversations shortly.  
18 Once -- well, between April 2, 2006 and the  
19 time that you retained the Thompson Wigdor  
20 law firm, had you spoken to the Suffolk  
21 County District Attorney's office?  
22 A. Yes.  
23 Q. Okay. Did you communicate with  
24 them or did they contact you?  
25 MR. GOODSTADT: Objection.

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1 F. Fiorillo  
2 Q. Well, withdrawn. Who -- who  
3 reached out to whom between April 2, 2006  
4 and the time you retained the Goodstadt law  
5 firm?  
6 MR. GOODSTADT: The Thompson  
7 law firm? I'm fine with that.  
8 Q. The Thompson Wigdor law firm.  
9 Yes.  
10 A. I'm not sure if they called me  
11 first or if I called them first.  
12 Q. Well, let me ask you  
13 specifically. Did you -- did you call the  
14 Suffolk County District Attorney's office to  
15 advise them that you were fired?  
16 A. I think, yes, there came a  
17 certain -- a point in time that I did call  
18 them about that.  
19 Q. Okay. Was that before or after  
20 you first communicated with the Thompson  
21 Wigdor law firm?  
22 A. Well, I don't know. I don't  
23 know.  
24 Q. Who did you call -- I'm sorry.  
25 Who did you communicate with with regard to

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1 F. Fiorillo  
2 advising them that you were fired by Ocean  
3 Beach as you say you were?  
4 A. I -- I called the -- the  
5 specific group that handles the government  
6 corruption in Suffolk County.  
7 Q. Okay.  
8 A. That's what I -- that's who I  
9 looked up. And they transferred me to a  
10 person in that office.  
11 Q. And who was that person?  
12 A. There were two people at the  
13 time.  
14 Q. And who were they?  
15 A. There were Walter Warkenthien and  
16 Richard Burke, and thereafter, Robert  
17 Biancavilla.  
18 Q. Okay. Can you -- do you know the  
19 spellings of any of those names? If you  
20 don't, that's fine. Just for the court  
21 reporter. Never mind. And what did you say  
22 on the first occasion -- on the occasion  
23 that you called to advise the Suffolk County  
24 DA that you were fired, what did you say?  
25 A. I told them what had happened.

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1 F. Fiorillo  
2 Q. Okay. And what was that?  
3 A. That, initially, I was -- I  
4 received a letter in the mail stating that I  
5 was to appear at a Ocean Beach Police  
6 Department meeting on April 2, 2006 at  
7 12:00, and that the letter stated that we  
8 would all be issued new IDs. And then when  
9 I got there, George Hesse made an  
10 announcement that he wanted all the officers  
11 to line up in line at the boathouse, and  
12 what happened was the only officers that  
13 lined up at the boathouse was Eddie Carter,  
14 myself, Joe Nofi and Kevin Lamm. Everybody  
15 else was down by the police station. Like  
16 a -- it's like a block away.  
17 Q. When did -- when did Hesse --  
18 and I know I'm going off the line of  
19 questioning -- when did Hesse tell all the  
20 officers to line up?  
21 A. When we got -- when we got --  
22 when we were outside the boathouse --  
23 Q. Okay?  
24 A. -- we were going to have a  
25 meeting in the boathouse.



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1 F. Fiorillo  
2 Q. Right.  
3 A. But he said before the meeting,  
4 he wants us all to line up. He was going to  
5 talk to us one at a time. But then when we  
6 lined up, it wasn't like the whole  
7 department lined up. It was only four of  
8 us.  
9 Q. Got it. Okay. Um, and what else  
10 did you say to the District Attorney's  
11 office in your first conversation with them  
12 about you being fired?  
13 A. I told -- I told the District  
14 Attorney's office that I thought that there  
15 was, um -- that it was unfair, and I didn't  
16 know what was going on over there, but I  
17 felt that George Hesse was retaliating  
18 against me because of the Halloween fight.  
19 Q. Okay. Did you tell them anything  
20 else with regard to you not being hired --  
21 rehired by the Ocean Beach -- Village of  
22 Ocean Beach?  
23 MR. GOODSTADT: Objection.  
24 Q. In that first conversation?  
25 A. Well, I think in the first

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1 F. Fiorillo  
2 conversation, it -- it -- it went from me  
3 telling him about the -- the firing, to him  
4 like questioning more -- questioning me  
5 more about the Halloween fight.  
6 Q. That's -- that's fine. I'm not  
7 questioning you what anyone said. I'm just  
8 trying to find out --  
9 A. No. That's how it went.  
10 Q. Okay.  
11 A. It wasn't -- you know. It was  
12 yes, I told him about the firing, and then  
13 he went back to the Halloween fight, and he  
14 asked me if I -- if he thought that I  
15 thought that had anything to do with it.  
16 Q. Okay.  
17 A. And I said yes.  
18 Q. Now did he give you any -- did  
19 this Suffolk County District Attorney's  
20 office employee give you any advice on what  
21 you should do with regard to being -- I'm  
22 sorry, with regard to your rights concerning  
23 being fired in this first conversation?  
24 A. Um, I'm trying to think if I --  
25 if I asked him -- let me just think this

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1 F. Fiorillo  
2 out. I think it was his suggestion -- his  
3 suggestion that, you know, I think you need  
4 a lawyer.  
5 Q. Okay. And did you tell him  
6 during this first conversation that you had  
7 talked to a lawyer?  
8 MR. GOODSTADT: Objection.  
9 A. It was -- it was right after we  
10 had gotten fired, so I didn't contact a  
11 lawyer at this time.  
12 Q. Okay. Then --  
13 A. It was like a short time later.  
14 Within a couple of weeks.  
15 Q. Okay. So within a couple of  
16 weeks of you not being rehired by Ocean  
17 Beach, you contacted the Suffolk County  
18 District Attorney to tell them about what  
19 happened on April 2?  
20 A. Yes.  
21 MR. GOODSTADT: Objection.  
22 MR. NOVIKOFF: Is the objection  
23 as to how I characterized the firing or  
24 not being rehired, because we have an  
25 agreement?

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1 F. Fiorillo  
2 MR. GOODSTADT: I know we have  
3 an agreement. There were a couple of  
4 points.  
5 MR. NOVIKOFF: Okay. That's  
6 fine. As long as it wasn't just that.  
7 MR. GOODSTADT: It was that  
8 and --  
9 MR. NOVIKOFF: Because we  
10 have -- we have the agreement.  
11 MR. GOODSTADT: Okay.  
12 Q. What was -- when was the next  
13 time that you spoke with someone from the  
14 District Attorney's office concerning the  
15 fact that you weren't hired -- rehired on  
16 April 2, 2006, if there was one?  
17 A. They didn't take that issue up so  
18 much as far as other issues --  
19 Q. Okay.  
20 A. -- they were more concerned  
21 about. In other words, that was my -- that  
22 was me personally. It had nothing to do  
23 with them or anything they were  
24 investigating as far as me being fired.  
25 Q. Got it. So now let's go back to

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1 F. Fiorillo  
2 between the time period of August 2005 and  
3 April 2, 2006. You say you spoke to the  
4 District Attorney around no more than five  
5 times concerning --  
6 A. I would say.  
7 Q. -- issues involving Ocean Beach,  
8 right?  
9 A. Right. Well, up until which  
10 point in time?  
11 Q. Between August 2005 and April 2,  
12 2006.  
13 A. Right.  
14 Q. Okay. And you did not personally  
15 witness anything involving the Gilbert  
16 incident, did you?  
17 A. Nothing whatsoever.  
18 Q. And you didn't personally witness  
19 anything involving the Prisco incident, did  
20 you?  
21 A. Yes.  
22 Q. Oh, you did. What did you  
23 witness?  
24 A. I was at the scene when Prisco  
25 was handcuffed and put into the police

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1 F. Fiorillo  
2 vehicle.  
3 Q. Okay.  
4 A. I also wrote summonses on the --  
5 at the scene.  
6 Q. Did you witness any alleged  
7 brutality --  
8 A. No.  
9 Q. -- involving Mr. Prisco?  
10 A. No.  
11 Q. Okay.  
12 A. They asked me that also.  
13 Q. Well, I would hope they would  
14 have. Have you given any grand jury  
15 testimony?  
16 A. Not yet.  
17 Q. Well, has anyone told you that  
18 you have to give -- you're going to be  
19 giving grand jury testimony?  
20 A. Yes.  
21 Q. Who has told you that you're  
22 going to be giving grand jury testimony?  
23 A. District Attorney's office.  
24 Q. With regard to what issue?  
25 A. The Halloween fight.

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1 F. Fiorillo  
2 Q. Okay. And when did the District  
3 Attorney say that you were going to be  
4 giving grand jury testimony regarding the  
5 Halloween fight?  
6 A. Um, about a month ago.  
7 Q. And when did they say you were  
8 going to give the testimony?  
9 A. Bob Biancavilla said he's going  
10 to call me back.  
11 Q. Did he say approximately what  
12 time period you would be giving this  
13 testimony?  
14 A. He didn't give me a time period,  
15 but he did say that the Gilbert case is the  
16 first case that they're going to deal with,  
17 and then they said they're going to proceed  
18 with the other cases. So that's -- that's  
19 what I was told.  
20 Q. Okay. Have you given any sworn  
21 statements to the Suffolk County District  
22 Attorney's office prior to today?  
23 A. No.  
24 Q. Do you understand what I mean by  
25 "sworn statement"?

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1 F. Fiorillo  
2 A. Under oath or --  
3 Q. Right.  
4 A. Notarized?  
5 Q. Right. No?  
6 A. No.  
7 MR. GOODSTADT: Just so it's  
8 clear, when you say "prior to today,"  
9 he didn't give one today.  
10 MR. NOVIKOFF: I just used  
11 today --  
12 MR. GOODSTADT: It was a little  
13 loaded I guess.  
14 MR. NOVIKOFF: No. No. I'm  
15 just using today as a period of  
16 reference.  
17 MR. GOODSTADT: Understood.  
18 Q. And --  
19 MR. GOODSTADT: It could be  
20 inferred that you meant prior today.  
21 That he gave one today.  
22 Q. Have you provided the District  
23 Attorney's office any documentation with  
24 regard to any of their investigations?  
25 A. No documentation.

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1 F. Fiorillo  
2 Q. Have you provided the District  
3 Attorney with copies of any audio tapes  
4 prior to today concerning any of their  
5 investigations?  
6 A. No.  
7 Q. Have you provided the District  
8 Attorney with anything, other than your own  
9 statements, concerning any of the issues  
10 that they're investigating, prior to today?  
11 A. Have I provided anything other  
12 than my own statements?  
13 Q. Right.  
14 A. Yes.  
15 Q. What have you provided?  
16 A. Um, well, emails as far as back  
17 and forth information. Instead of using the  
18 phone, email.  
19 Q. Emails --  
20 A. As far as when they need  
21 information pertaining to whatever they are  
22 asking me, I'll email them back.  
23 Q. Oh, okay. Well, beyond you  
24 either emailing them communications or  
25 talking to them over the phone or in person,

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1 F. Fiorillo  
2 have you provided them anything else with  
3 regard to the issues that they're  
4 investigating concerning Ocean Beach?  
5 A. I don't think I provided them  
6 with any paperwork, anything like that.  
7 Q. Okay. And are you aware if any  
8 of the other Plaintiffs have testified  
9 before a grand jury involving any of the  
10 issues that the Suffolk County District  
11 Attorney's investigating?  
12 A. Any of --  
13 Q. Are you aware of --  
14 A. Who else like?  
15 Q. If any of the other Plaintiffs in  
16 this case --  
17 A. This case.  
18 Q. -- have testified in a grand jury  
19 concerning any investigation by the Suffolk  
20 County District Attorney concerning Ocean  
21 Beach?  
22 A. I don't know.  
23 Q. Okay. And -- withdrawn. Okay.  
24 So now let's go back to complaints that you  
25 raised in 2005 with regard to -- and I know

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1 F. Fiorillo  
2 it's been a while, so let's go back to  
3 paragraph 101. Now, again, with regard to  
4 the complaints that you spoke of with  
5 Ms. Sanchez in that April meeting with her  
6 that was attended by Nofi and Lamm, did you  
7 complain in 2005 to any media outlet with  
8 regard to those issues?  
9 A. No.  
10 Q. Okay. Did you complain to any  
11 other police officer outside of the Village  
12 of Ocean Beach in 2005?  
13 A. I don't believe so.  
14 Q. Did you attend any Suffolk County  
15 Legislative board meetings?  
16 A. No.  
17 Q. Any Village board meetings in  
18 2005?  
19 A. No.  
20 Q. Same question for 2006,  
21 between -- between January 1, 2006 and April  
22 2, 2006, did you complain -- did you  
23 communicate any complaints to the -- to a  
24 media outlet?  
25 A. No. Oh, wait. In 2006?

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1 F. Fiorillo  
2 Q. Between January 1, 2006 and April  
3 2, 2006, did you make any -- did you  
4 communicate with any media outlet concerning  
5 any issues --  
6 A. No.  
7 Q. -- pertaining to Ocean Beach?  
8 A. No. Nothing.  
9 MR. GOODSTADT: Let him finish  
10 the question.  
11 A. Oh.  
12 Q. Let's break it down. Between  
13 April 1, 2006 and -- I'm sorry, between  
14 January 1, 2006 and April 2, 2006, did you  
15 raise any -- did you communicate with any  
16 media outlet concerning any issues  
17 pertaining to Ocean Beach?  
18 A. No.  
19 Q. Okay. Did you communicate with  
20 the Suffolk County District Attorney's  
21 office -- withdrawn. We talked about that.  
22 Did you attend any Suffolk County  
23 Legislative meetings?  
24 A. No.  
25 Q. Did you attend any Village board

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1 F. Fiorillo  
2 meetings in that time period?  
3 A. No.  
4 Q. Did you complain to Mayor  
5 Loeffler about anything in that time period  
6 in 2006?  
7 A. No.  
8 Q. Did you complain to any  
9 particular trustee of the Village?  
10 A. No.  
11 Q. Okay. Did you complain to  
12 Paradiso about anything in that time period?  
13 A. No.  
14 Q. Did you complain to Hesse about  
15 anything in that time period?  
16 A. No.  
17 Q. And I'm going to ask you similar  
18 questions, but I think it may alleviate  
19 another long line of questions. You've made  
20 a lot of allegations in this Complaint about  
21 conduct and behavior at Ocean Beach while  
22 you were a police officer there, right?  
23 A. Yes.  
24 Q. And they range anywhere from  
25 drinking to police brutality to cover ups,

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1 F. Fiorillo  
2 correct?  
3 A. Correct.  
4 Q. And you're familiar with all of  
5 the allegations that you've made in the  
6 complaint, correct?  
7 MR. GOODSTADT: Objection.  
8 A. Yes.  
9 Q. Okay. With regards to any  
10 complaint that you have referenced in your  
11 Complaint that you filed, did you ever  
12 complain to a media outlet prior to April 2,  
13 2006?  
14 A. No.  
15 Q. Did you ever complain to Mayor  
16 Rogers?  
17 A. No.  
18 Q. Other than for the two instances  
19 that we've discussed with Mr. Loeffler, did  
20 you ever complain to Mr. Loeffler?  
21 A. No.  
22 Q. Did you ever attend a board  
23 meeting for the purpose of raising any issue  
24 that's referenced in this Complaint?  
25 A. Hold on. Let me get that again.

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1 F. Fiorillo  
2 Other --  
3 Q. Did you ever -- did you ever  
4 attend a Village board meeting --  
5 A. No.  
6 Q. -- for the purpose of  
7 communicating any concerns about anything  
8 that you've referenced in this Complaint?  
9 A. No. Can I get back to one other  
10 question you just said?  
11 Q. You know what, hold that thought.  
12 Let me just finish the line. Couple more  
13 questions --  
14 A. I'm not clear on one question.  
15 Q. And then you can come back to me  
16 and tell me where you're not clear. With  
17 regard to any of the issues raised in this  
18 Complaint, did you ever attend a Suffolk  
19 County Legislative meeting for the purpose  
20 of raising issues that are reflected in this  
21 Complaint?  
22 A. No.  
23 Q. Did you ever write a letter to  
24 the Suffolk County Civil Service Department  
25 concerning any issues that are raised in

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1 F. Fiorillo  
2 this Complaint prior to April 2, 2006?  
3 A. No.  
4 Q. Did you ever write a letter to  
5 any police department, prior to April 2,  
6 2006, concerning any of the issues raised in  
7 this Complaint?  
8 A. No.  
9 Q. Did anyone ever -- withdrawn.  
10 Did anyone associated with the Village ever  
11 threaten you with any disciplinary action if  
12 you communicated any concern to the media  
13 concerning any issues raised in this  
14 Complaint?  
15 MR. GOODSTADT: Objection.  
16 A. Did any associate --  
17 Q. Did any employee of the  
18 Village -- withdrawn. Did any -- did any  
19 employee of the Village ever prevent you  
20 from making any complaints concerning the  
21 issues raised in this Complaint to any media  
22 outlet?  
23 A. Not that I can recall.  
24 Q. Same question with regard to  
25 complaints to the Village board?

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1 F. Fiorillo  
2 A. Not that I can recall.  
3 Q. Same question with regard to  
4 either Mayor Rogers or Trustee Loeffler?  
5 A. Can you just break that question  
6 down with Mayor Rogers, because I want to --  
7 Q. Same question with regard to  
8 Mayor Rogers.  
9 A. Now the question? Just give  
10 me --  
11 Q. Did anyone prevent you from  
12 raising any complaint with Mayor Rogers  
13 concerning any issue reflected in your  
14 Complaint?  
15 A. Not that I can recall.  
16 Q. Did anyone prevent you from  
17 raising -- withdrawn. Did anyone ever  
18 prevent you from making a complaint to Mayor  
19 Loeffler or then Trustee Loeffler concerning  
20 any issue raised in your Complaint?  
21 A. Not that I can recall.  
22 Q. Did anyone ever prevent you from  
23 raising a complaint concerning any issue in  
24 your Federal Complaint with the Suffolk  
25 County legislature?

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1 F. Fiorillo  
2 A. Not that I can recall.  
3 Q. Did any -- you don't recall?  
4 A. Not that I can recall.  
5 Q. Okay. Did anyone ever prevent  
6 you from raising any complaints with the  
7 Suffolk County District Attorney's office  
8 concerning any issue that's raised in this  
9 Complaint?  
10 A. Not that I can recall.  
11 Q. Okay. Now you -- when you --  
12 when you met about five times with the  
13 Suffolk County District Attorney's office  
14 between August '05 and April '06, did you  
15 report to George Hesse with regard to any of  
16 those conversations?  
17 A. Let me get this straight. You  
18 know what it is, I have a question in my --  
19 in my mind that I wanted to ask you  
20 pertaining to a question you asked me.  
21 Q. You know what --  
22 A. And I'm not clear.  
23 Q. Why don't you ask me that  
24 question.  
25 A. I'm not paying close attention.

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1 F. Fiorillo  
2 When you said that did I try to complain to  
3 Natalie Rogers?  
4 Q. No, I didn't say if you tried to  
5 complain. I said did you complain?  
6 A. Well, what I did was I wrote a  
7 letter.  
8 Q. Right.  
9 A. Okay. I really wanted to talk to  
10 her and I tried calling the Village, and  
11 what happened was I tried calling the  
12 Village to talk to Maryanne Minerva, because  
13 I wanted to complain about what happened  
14 on -- I called the Monday after we were  
15 fired.  
16 Q. Okay. Now I'm going to get to  
17 that.  
18 A. Okay.  
19 Q. But all of my questions --  
20 A. Have nothing to do with that.  
21 Q. -- were before April 2, 2006.  
22 A. Okay. All right. I was just --  
23 Q. Okay. That's the time -- do I  
24 need to go over all the questions again?  
25 A. No. I got you.

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1 F. Fiorillo  
2 Q. Okay. Between August 2005 and  
3 January -- and April 2000 -- April 2, 2006,  
4 did you advise Mr. Hesse with regard to the  
5 substance of any of the conversations you  
6 had with the Suffolk County District  
7 Attorney's office?  
8 A. I know I had a conversation with  
9 him about who came by, when they came by,  
10 and they were asking me questions if I was  
11 involved and how come they claimed I was on  
12 duty, myself and Joe Nofi, because we were  
13 never signed off.  
14 Q. Claimed you were on duty when?  
15 A. The night of the -- are you  
16 talking about the Gilbert incident?  
17 Q. No. No. I'm not talking about  
18 anything specific, and I'll rephrase the  
19 question.  
20 A. Oh, I see. I know what it is. I  
21 got it.  
22 Q. Hold on. So the record is clear.  
23 A. I got it.  
24 Q. You testified that approximately  
25 five times, could be a little less, could be



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1 F. Fiorillo  
2 a little more, you spoke to the District  
3 Attorney's office concerning Ocean Beach  
4 issues between August '05 and April 2, 2006,  
5 correct?  
6 A. Correct.  
7 Q. Did you -- other than advising  
8 Mr. Hesse the first time the District  
9 Attorney contacted you to speak to you, did  
10 you ever advise Mr. Nofi about the substance  
11 of any of the conversations you had with  
12 them?  
13 MR. GOODSTADT: Objection.  
14 A. Mr. Hesse -- you mean --  
15 Q. Mr. Hesse. I'm sorry, Mr. Hesse.  
16 A. Okay. So Mr. Nofi's out of it?  
17 Q. Mr. Nofi's out of it.  
18 A. Okay. Yes.  
19 Q. Okay. What did you advise  
20 Mr. Hesse with regard to the substance of  
21 anything that was discussed with the Suffolk  
22 County District Attorney's office?  
23 A. Okay. At first, I told him that  
24 they dropped by my house and they wanted to  
25 know essentially what happened that night,

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1 F. Fiorillo  
2 and I told them I wasn't working, and they  
3 had me on the -- I wasn't in the blotter as  
4 being off duty.  
5 Q. Okay.  
6 A. Myself and Joe Nofi.  
7 Q. Right.  
8 A. Okay? But, in fact, I was,  
9 because I was on the 1:00 ferry that left  
10 Ocean Beach that night.  
11 Q. Okay.  
12 A. But I think they later on got it  
13 all squared away, where it was -- it just  
14 wasn't put in the blotter.  
15 Q. Right. Now, Mr. Fiorillo --  
16 A. So I told him --  
17 Q. I'm sorry. Go ahead.  
18 A. So I told him about that.  
19 Q. Okay.  
20 A. And then I told him about --  
21 let's see. They -- I told them -- I told  
22 him that they went to Eddie Carter's house  
23 and thought that Eddie Carter was involved  
24 in the Gilbert fight, but George said it's  
25 impossible because he wasn't working that

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1 F. Fiorillo  
2 night.  
3 Q. Okay.  
4 A. So that -- but, basically it was  
5 only those two times.  
6 Q. Okay. Did you ever advise George  
7 Hesse of -- as to anything that you  
8 specifically said to the DA concerning  
9 either the Halloween incident, the Gilbert  
10 incident or the Prisco incident, other than  
11 what you've just testified to?  
12 A. No.  
13 Q. Okay. Now I'm going to go into  
14 this line of questioning a little later  
15 concerning your job searches, but I don't  
16 think I asked you this question. When did  
17 you stop working for that company for which  
18 you were a driver in 2006?  
19 A. It was a very short period of  
20 time. It was maybe February of 2006.  
21 Q. Okay. And why did you stop  
22 working for them?  
23 A. Because they hired initially for  
24 two days driving, and then what happened was  
25 they -- I don't know what happened because I

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1 F. Fiorillo  
2 didn't know the other drivers, but  
3 apparently they couldn't get the other  
4 driver that was working on a Saturday  
5 anymore and they wanted me to work Saturday,  
6 so I told them that I couldn't work Saturday  
7 because upcoming, I work Saturdays in Ocean  
8 Beach.  
9 Q. Okay.  
10 A. So what they said was this isn't  
11 working out and they had to get somebody  
12 else that was going to work the Saturdays  
13 for them. So I -- I, um -- I couldn't work  
14 for them anymore, because I didn't want to  
15 give up Ocean Beach. It was either give up  
16 Ocean Beach, drive, or -- or not give up  
17 Ocean Beach and give up the driving.  
18 Q. Okay. Now that job would have  
19 paid you \$60,000 a year; is that correct?  
20 A. Correct.  
21 Q. In 2005, how much did you earn  
22 from Ocean Beach?  
23 A. I don't even know. 20 something.  
24 Q. How about --  
25 A. But I worked another job, you



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1 F. Fiorillo  
2 know what I mean? I worked two jobs.  
3 Q. How about in 2004, how much did  
4 you earn from Ocean Beach?  
5 A. I don't know. Approximately 20.  
6 I would -- approximately 20.  
7 Q. How about 2003?  
8 A. I would say approximately -- you  
9 know, I don't know exactly.  
10 Q. Right.  
11 A. I would say around that figure.  
12 Q. And in 2006, you had no other job  
13 prior to April 2, 2006, other than the few  
14 days that you worked for that company,  
15 correct?  
16 A. Correct.  
17 Q. Okay. And had you had, prior to  
18 April 2, any job offers for any other jobs?  
19 MR. GOODSTADT: Objection.  
20 A. Prior -- prior to April 2?  
21 Q. Yeah. Well, let me rephrase the  
22 question --  
23 A. No. No.  
24 Q. -- so there's no objection.  
25 Prior to April 2, 2006, had you been offered

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1 F. Fiorillo  
2 employment by any other entity or  
3 individual, other than this company that you  
4 drove for?  
5 A. I don't recall. I don't think I  
6 did. But I wouldn't -- I wouldn't -- okay.  
7 No.  
8 Q. Now let's go back to the  
9 Complaint. Actually, let's go back to  
10 Paridiso. What specifically -- and list to  
11 me the issues that you complained to  
12 Paridiso about prior -- between the first  
13 day of your employment and the last day of  
14 your employment?  
15 A. I complained to him about  
16 officers drinking. I complained to him  
17 about Hesse, um -- one incident in  
18 particular where 3:30 in the morning he  
19 called me into the station. You want me to  
20 give you the particulars or you want me --  
21 Q. No. I want you to give me, if  
22 you can --  
23 A. Just the two things.  
24 Q. Just the generally and then we'll  
25 get to it. Right.

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1 F. Fiorillo  
2 A. Okay. So you got -- I have the,  
3 um, the officers drinking. That was the  
4 Paridiso. Is that what you're saying?  
5 Q. Okay. That's all I'm asking.  
6 What did you complain to Paridiso about?  
7 A. I complained to Paridiso about  
8 Hesse singling me out on cleaning --  
9 cleaning. Let's put it that way. Cleaning.  
10 Because it was a two day period where it  
11 just happened to be me.  
12 Q. Okay.  
13 A. Um, that's all I can recall at  
14 this time.  
15 Q. Is there anything that you think  
16 if I gave you a couple more minutes to think  
17 about it, would that help you come up with  
18 any more examples, if in fact there were  
19 more?  
20 A. Oh, to Paridiso?  
21 Q. Yeah. Just to Paridiso.  
22 A. I complained -- I complained to  
23 him about my statement in the Halloween  
24 fight because Hesse was pretty adamant on my  
25 statement, and I was the one on the scene

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1 F. Fiorillo  
2 and Hesse wasn't, and it got -- got to be an  
3 issue.  
4 Q. Okay. Anything else? You  
5 mentioned you complained to Paridiso about  
6 officers drinking?  
7 A. Right.  
8 Q. You've complained to Paridiso  
9 about Hesse singling you out for cleaning,  
10 using your words, and then you've complained  
11 to Hesse -- to Paridiso about your  
12 statement in the Halloween fight as it  
13 relates to Hesse?  
14 A. Correct.  
15 Q. Okay. Anything else?  
16 A. Let's see. That's what I can  
17 remember as of right now.  
18 Q. Like I said, if I gave you a few  
19 minutes to think about it, do you think that  
20 would help jog your memory to the extent  
21 there's any more examples?  
22 A. I don't know. I think as we go  
23 along, if there are any, I'll -- I'll bring  
24 it to your attention.  
25 Q. Okay. Is there anything in your

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1 F. Fiorillo  
2 custody -- is there any document in your  
3 custody, possession or control that would  
4 refresh your recollection with regard to  
5 what issues you would have complained to  
6 Paridiso, other than what you just testified  
7 to?  
8 A. Do I have any documents? No.  
9 Q. Yeah. Or is there anything you  
10 can think of that would jog your memory on  
11 this issue?  
12 A. I don't know right now.  
13 Q. Okay. Are you nervous right now,  
14 is that why you think --  
15 A. No, I'm not nervous. I'm  
16 trying -- I'm trying to think.  
17 Q. That's what I said. I mean,  
18 I'm -- I'll give as much time as you need to  
19 think. Do you think taking two or three  
20 minutes just to think about this one issue  
21 without listening to my voice --  
22 A. About -- about --  
23 Q. -- would jog your memory?  
24 MR. GOODSTADT: Promise?  
25 Q. I'll give you five minutes of

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1 F. Fiorillo  
2 silence if it helps.  
3 A. I can't -- I can't think of  
4 anything else at this time.  
5 Q. Okay. Now let's talk about  
6 officers drinking. You've talked about your  
7 complaints to Paridiso about the Bosettis.  
8 Any other officers?  
9 A. Just one other.  
10 Q. Which one?  
11 A. Walter Muller.  
12 Q. And what were you complaining to  
13 Paridiso about with regard to Walter Muller?  
14 A. That I had to pull him out of a  
15 bar when he was on duty on a -- I had a drug  
16 overdose, um -- there was a young man in  
17 the Village who had ingested brownies laced  
18 with pot.  
19 Q. Okay.  
20 A. Or hasheesh. I didn't know what  
21 it was at the time. But it was one of them.  
22 Q. Okay.  
23 A. So that was -- that was another  
24 complaint.  
25 Q. No. I get that. You complained

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1 F. Fiorillo  
2 about Walter Muller drinking and you've told  
3 me that you had to pull him out of a bar.  
4 What was the specific complaint that you  
5 made, unless it was just the fact that you  
6 had to pull him out of a bar while he was on  
7 duty?  
8 A. No. That I needed assistance on  
9 the call. It was just me and him that  
10 night.  
11 Q. It was you and Muller that night?  
12 A. That's it.  
13 Q. Okay. So let me go through this.  
14 It was you and Muller that night, and there  
15 was a call with regard to a possible drug  
16 overdose?  
17 A. Correct.  
18 Q. And --  
19 A. Doug Meyer was the kid.  
20 Q. Okay.  
21 A. Doug Meyer, Jr. I believe.  
22 Q. And what year was this?  
23 A. I can't recall exactly, but there  
24 is a field report on it.  
25 Q. Was it closer to the first day of

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1 F. Fiorillo  
2 your employment or closer to the last day?  
3 A. No. Closer to like in the  
4 middle. It wasn't towards the last.  
5 Q. So it was around 2003 or four?  
6 A. Yeah.  
7 Q. Okay. Fine. And what time --  
8 when was this? Was it in season or out of  
9 season?  
10 A. Um, I would say that based on  
11 that night, it was either right after the,  
12 you know, after Labor Day or the spring,  
13 because I remember -- I think I remember it  
14 was a colder night. It wasn't -- it wasn't  
15 -- it was more desolate for sure. So it  
16 wasn't populated.  
17 Q. Okay. And you and Muller were  
18 the only people -- the only officers on  
19 duty?  
20 A. Yes.  
21 Q. And it was a midnight to eight  
22 shift?  
23 A. No. It was the four to 12.  
24 Q. Four to 12. Okay. And was Hesse  
25 in the station that night?

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1 F. Fiorillo  
2 A. No. It was just -- we were the  
3 only two officers.  
4 Q. Okay. And a call came in about a  
5 possible drug overdose, right?  
6 A. Right.  
7 Q. And where --  
8 A. Well, it wasn't possible drug  
9 overdose at the time. It was that he was --  
10 I got the call from his father that he was  
11 apparently ill. Very ill.  
12 Q. Fine. Where were you at the time  
13 that the call came in?  
14 A. I was patrolling the Village.  
15 Q. By yourself?  
16 A. Yes.  
17 Q. Where was Muller?  
18 A. He was in a bar.  
19 Q. Did you know that?  
20 A. I didn't know that. I didn't  
21 know where he was.  
22 Q. But you were the only two that  
23 were on duty that night, right?  
24 A. Yeah. Walter stayed in the  
25 station or I'll go in the truck or I'll stay

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1 F. Fiorillo  
2 in the station or we go together. It  
3 depends.  
4 Q. Okay.  
5 A. It's not a routine thing where,  
6 um, two guys stay in the truck. Sometimes  
7 there's three guys in the truck. It depends  
8 on the day, the time of the year. Sometimes  
9 there's no truck at all because it's  
10 populated, so everybody's on foot. Most  
11 people.  
12 Q. So if I understand what the  
13 common -- the common practice was, and there  
14 may have been exceptions, and this night may  
15 have been one of them, if there were only  
16 two police officers on duty, one would be --  
17 one would be at the station and one would be  
18 patrolling?  
19 A. Sometimes.  
20 Q. Right.  
21 A. Like I said, there was no set --  
22 Q. Okay.  
23 A. You know, sometimes like somebody  
24 would want to stay at the station and handle  
25 the call from the station. Otherwise, the

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1 F. Fiorillo  
2 phone was call forwarded when nobody was in  
3 the station.  
4 Q. Got it. Um, so the call came in  
5 and you did what right after you got the  
6 call?  
7 A. I responded to the call.  
8 Q. Did you try to get Walter Muller?  
9 A. I tried to get him on the radio.  
10 Q. That's what I'm asking you.  
11 A. Oh, yeah. Yeah.  
12 Q. So you called him on the radio  
13 and what happened?  
14 A. I got no response.  
15 Q. Okay. So what did you do after  
16 that?  
17 A. Continued to the call. I had an  
18 emergency.  
19 Q. That's fine. I'm just trying to  
20 figure out what you did. So you went to the  
21 call?  
22 A. Right.  
23 Q. And --  
24 A. I called for rescue.  
25 Q. Called for rescue. That wasn't

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1 F. Fiorillo  
2 Muller, that was just rescue?  
3 A. What do you mean?  
4 Q. When you say you called for  
5 rescue, who comes?  
6 A. The Ocean Beach Fire Department.  
7 The rescue. The Ocean Beach --  
8 Q. Fine.  
9 A. -- rescue.  
10 Q. And you went to the scene, right?  
11 A. Correct.  
12 Q. You did what you needed to do?  
13 A. Correct.  
14 Q. At some point in time you left  
15 the scene, right?  
16 A. Yeah. After the boy was attended  
17 to by the medical personnel, yes.  
18 Q. What did you do next?  
19 A. Um, I had all the information  
20 from the boy on where the party was that he  
21 -- where he ingested -- where they had this  
22 pot-laced brownies.  
23 Q. Okay.  
24 A. So with that, um, I came back to  
25 the station. The door was locked.

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1 F. Fiorillo  
2 Q. Okay.  
3 A. I go across the street, Walter's  
4 in the bar.  
5 Q. Okay. And was Walter drunk, in  
6 your opinion?  
7 A. I didn't have a breathalyzer, so  
8 in my opinion, how could I --  
9 Q. I'm just asking you. I mean,  
10 you're a police officer. I would presume --  
11 A. Yeah. But you can't tell if  
12 somebody is legally drunk.  
13 Q. Okay.  
14 A. You can't tell that without  
15 having something to administer --  
16 Q. Fair enough. And where was  
17 Mr. Muller when you first saw him in the  
18 bar?  
19 A. At the bar. On the stool at the  
20 bar, drinking.  
21 Q. Drinking what?  
22 A. He told me what he was drinking.  
23 Q. What was he drinking?  
24 A. It was Captain Morgan's and Coke.  
25 Q. Okay. And so when you say you

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1 F. Fiorillo  
2 dragged him out of the bar --  
3 A. I didn't drag him.  
4 Q. Well, those were your words.  
5 That's why I was asking you that.  
6 A. I said "drag"?  
7 Q. You said "drag."  
8 A. Okay. I told him I needed his  
9 assistance on a call.  
10 Q. Okay.  
11 A. To be fair.  
12 Q. And did he tell you to go "F off"  
13 or did he --  
14 A. No.  
15 Q. Well, I'm asking you. Or did he  
16 just go with you?  
17 A. No. He went with me.  
18 Q. Okay. And --  
19 A. He took his drink.  
20 Q. Okay. Good for him. Did, um,  
21 did you call Chief Paridiso up before the  
22 end of your shift to complain?  
23 A. No.  
24 Q. Did you call Chief Hesse up  
25 before the end of your shift to complain?

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1 F. Fiorillo  
2 A. No.  
3 Q. When did you call Chief -- when  
4 did you complain to Chief Hesse?  
5 A. I didn't say I complained to  
6 Chief Hesse.  
7 Q. I'm sorry, when did you complain  
8 to Chief Paridiso?  
9 A. It was my next tour.  
10 Q. Which was when?  
11 A. I don't know if it was the next  
12 day or the next time I saw the chief. See,  
13 it was -- I think it was in the -- either in  
14 the beginning of the season, like prior to  
15 Memorial Day or shortly thereafter. I'm not  
16 sure on the time period, but it was -- it  
17 was the desolate part of the season on --  
18 which end I'm not sure.  
19 Q. Well, why did you wait until your  
20 next shift? Why didn't you just call him up  
21 the next day?  
22 A. Because I just brought it to his  
23 attention in person.  
24 Q. Okay. And what did you say to  
25 Chief Hesse -- I mean Chief -- what did you

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1 F. Fiorillo  
2 say to Chief Paridiso, I'm sorry?  
3 A. I told him about what had  
4 happened.  
5 Q. And what was his reaction, if  
6 any?  
7 A. He -- he didn't have a reaction.  
8 He just -- I just told him the story and he,  
9 you know, he didn't have a reaction.  
10 Nothing that I could remember which was  
11 reactionary.  
12 Q. Did he just shrug his shoulders?  
13 A. I don't even know if he shrugged  
14 his shoulders. I think he just, you know,  
15 acknowledged what I told him and that's it.  
16 Q. Did you make this complaint to  
17 Mr. Hesse prior to you going to Chief  
18 Paridiso?  
19 A. No.  
20 Q. Why didn't you go to Mr. Hesse  
21 first, if any -- if there was any reason?  
22 A. Because I had a problem with  
23 George Hesse and Walter Muller when I first  
24 started, um, working as a cop there, and  
25 there was a -- they had a friendship and a

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1 F. Fiorillo  
2 bond that was -- they were close. They  
3 were close friends.  
4 Q. So you felt that it would not  
5 have been in your best interest to complain  
6 to Mr. Hesse about Mr. Muller?  
7 A. I felt that if I did complain to  
8 Hesse, that -- you have to understand,  
9 there was an incident where he went off on  
10 me in front of other officers about Walter  
11 Muller and it was another situation where  
12 Walter Muller was drinking. So, in my mind,  
13 I was going to have a problem with Hesse in  
14 relation to Muller again, and I didn't want  
15 to lose my job as to be hon -- exactly why I  
16 went to the chief.  
17 Q. And that's your testimony and  
18 that's fine. So I just -- I'm just asking  
19 you a question. So you believed that had  
20 you complained to Hesse concerning Muller,  
21 that you -- there may have been some  
22 ramifications for your job?  
23 A. Absolutely.  
24 Q. Right. And so you bypassed  
25 Mr. Hesse and you made your complaint to

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1 F. Fiorillo  
2 Chief Paridiso?  
3 A. Correct.  
4 Q. Got it. And did Mr. Hesse ever  
5 prevent you from making any complaints to  
6 Mr. Paridiso concerning any issues at Ocean  
7 Beach?  
8 A. Not that I can recall.  
9 Q. All right. Did you ever feel  
10 intimidated by Mr. Hesse with regard to  
11 making a complaint to Mr. Paridiso?  
12 A. At times I did feel intimidated  
13 by -- by George Hesse.  
14 Q. No, not intimidated by George  
15 Hesse. I'll rephrase the question. Did --  
16 did Mr. Hesse ever threaten you with any  
17 disciplinary action with regard to a  
18 complaint -- withdrawn. Did Hesse ever  
19 threaten you with any type of disciplinary  
20 action with regard to making complaints to  
21 Chief Paridiso?  
22 A. Did he ever --  
23 Q. For example --  
24 A. -- intimidate --  
25 Q. Okay. Withdrawn. Did Chief --

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1 F. Fiorillo  
2 did Hesse ever say to you, in sum or  
3 substance, if you make any complaints to  
4 Chief Paridiso, you're going to lose your  
5 job?  
6 A. Not that I can recall.  
7 Q. Did Hesse ever say to you "if you  
8 make any complaints to Chief Paridiso, I'm  
9 going to put you on crappy shifts"?  
10 A. Not that I can recall.  
11 Q. Did Hesse ever say anything to  
12 you with regard to you making complaints to  
13 Paridiso?  
14 A. He said something about me, you  
15 know, crying to the chief.  
16 Q. What did he say?  
17 A. He said that in reference to, um,  
18 there was a filing cabinet incident --  
19 well, there was a filing cabinet.  
20 Q. Actually, I'm just interested  
21 in -- and we'll get to why.  
22 A. Okay.  
23 Q. But I'm just interested in what  
24 did Hesse say to you with regard to, as you  
25 say, crying to the chief?

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1 F. Fiorillo  
2 A. Well, it was in reference to  
3 these two things.  
4 Q. What -- what did he specifically  
5 say to you? I'm looking for what his words  
6 were, in sum and substance. Right now I  
7 don't need the back story.  
8 A. Okay.  
9 Q. I just need to know what Hesse  
10 said to you with regard to crying to the  
11 chief.  
12 A. Like whenever there was something  
13 that I didn't like, I would go crying to the  
14 chief.  
15 Q. And when did he say that to you?  
16 A. He said that to me the day --  
17 the -- it was a Saturday -- let's see.  
18 I'll try to get the timeline. It was -- it  
19 was after the night that he told me that he  
20 wanted the truck clean, because I went to  
21 the chief.  
22 Q. Okay. And what year was that?  
23 A. 2004.  
24 Q. Okay. And do you recall  
25 specifically what Mr. Hesse said to you,



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1 F. Fiorillo  
2 other than just very generically crying to  
3 the chief? Did he say "I don't want you  
4 crying to the chief"?  
5 A. No. He just said that, you know,  
6 "whenever something like this happens, you  
7 always go crying to the chief."  
8 Q. Okay. Um, and was that the only  
9 time he ever used the expression "crying to  
10 the chief"?  
11 A. Well, as far as with me.  
12 Q. Yes. That's what I'm saying.  
13 All I'm asking is with you. That was the  
14 only time?  
15 A. That I could recall.  
16 Q. Okay. And on how many occasions  
17 did you complain to Paridiso about the  
18 Bosettis drinking?  
19 A. Numerous.  
20 Q. Okay. And -- and --  
21 A. It was -- it was an ongoing  
22 thing.  
23 Q. And at any point in time, were  
24 you satisfied that Chief Paridiso handled  
25 the situation concerning the Bosettis

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1 F. Fiorillo  
2 drinking in the Village?  
3 A. Well, this is how it went.  
4 Q. No. My question is --  
5 MR. GOODSTADT: Well, he has to  
6 answer.  
7 Q. If you can't answer it yes or no,  
8 you can tell me. Yes or no --  
9 A. Okay.  
10 Q. Were you ever satisfied that in  
11 response to your --  
12 A. Only for --  
13 Q. In response to your complaint,  
14 Chief Paridiso addressed the situation  
15 concerning the Bosettis drinking in the  
16 Village?  
17 A. Only for a little while.  
18 Q. And when did that take place?  
19 What year?  
20 A. That was in -- I'm pretty sure it  
21 was in 2004.  
22 Q. Now why in 2004 did you complain  
23 to Paridiso instead of just Mr. Hesse?  
24 A. Because that's what I was getting  
25 at before. Because -- because George Hesse

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1 F. Fiorillo  
2 did not -- he let these guys do whatever  
3 they wanted to do. He did not -- what's the  
4 word? Supervise them, in my opinion,  
5 accordingly.  
6 Q. Would it be -- would it be also  
7 fair to say that Chief Paridiso didn't  
8 supervise these guys accordingly?  
9 A. But you have to --  
10 Q. Mr. Fiorillo, yes or no? Would  
11 it be your opinion that Chief Paridiso also  
12 didn't supervise these gentlemen  
13 accordingly?  
14 MR. GOODSTADT: Answer the  
15 question the way you want.  
16 A. But he did. But the chief did --  
17 what I'm trying to say is, that's what I'm  
18 trying -- I just want you to get the  
19 picture. The chief -- what the chief did  
20 was he had the Bosettis for a little while  
21 not frequenting -- frequenting the bars.  
22 Q. Okay.  
23 A. And Hesse was supposed to be in  
24 charge of overseeing that.  
25 Q. Okay.

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1 F. Fiorillo  
2 A. And then, but it didn't last  
3 long. If I -- if I tell you it lasted a  
4 week, really, it lasted a week.  
5 Q. Now in 2004, did Hesse report to  
6 Paridiso or did Paridiso report to Hesse?  
7 A. In 2004, Hesse reported to  
8 Paridiso.  
9 Q. So would you agree with me  
10 that -- that had Paridiso wanted to, he  
11 would have had the authority to fire the  
12 Bosettis?  
13 A. I don't know --  
14 MR. GOODSTADT: Objection.  
15 A. -- who had the authority to hire  
16 and fire in Ocean Beach. I don't.  
17 Q. You don't know?  
18 A. Well, I don't know in that  
19 Village. It was -- it was questionable as  
20 to how they hired and how they fired.  
21 Q. Who hired you?  
22 A. The Village of Ocean Beach.  
23 Q. Who -- who told you that you were  
24 hired?  
25 A. I'm not so sure that anybody



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1 F. Fiorillo  
2 really told me specifically I was hired.  
3 But I had to go to the Village office and  
4 swear in.  
5 Q. Who interview -- okay. Go  
6 ahead. I'm sorry.  
7 A. With I forget her name. Anyway,  
8 Baldar -- Maryanne Baldaro. You would know.  
9 I don't know.  
10 MR. WELCH: Do you want her  
11 name?  
12 MR. NOVIKOFF: No. It's okay.  
13 A. I don't know. Something like to  
14 that -- to that effect.  
15 Q. Who did you interview with before  
16 you got hired by Ocean Beach in 2002?  
17 A. Chief Paridiso.  
18 Q. Did you interview with Hesse?  
19 A. No.  
20 Q. Was it your belief, based upon  
21 your experience at Ocean Beach, that through  
22 2002 through 2004 -- from 2002 through 2004,  
23 that Chief Paridiso was the highest ranking  
24 officer, police officer at Ocean Beach?  
25 A. I believe so.

1 F. Fiorillo  
2 word "cleaning." When did that take place?  
3 A. That took place in 2004.  
4 Q. Okay. And what were you  
5 referring to?  
6 A. There was a particular point in  
7 time when it was a Friday night in the  
8 beginning of the season of 2004 and he  
9 called me about 3:30 in the morning. It was  
10 actually Saturday morning.  
11 Q. Okay.  
12 A. So it was 3:30 in the morning.  
13 He called me and he told me that he wanted  
14 the inside of the station cleaned out.  
15 Q. Um-hum.  
16 A. There was like old tires, filing  
17 cabinet, old uniforms.  
18 Q. Right.  
19 A. A lot of miscellaneous stuff.  
20 Q. Okay.  
21 A. You know, clutter. And -- and --  
22 and Ocean Beach police files. You know.  
23 Q. Okay. And why did you think you  
24 were being singled out?  
25 A. Well, no. No. No. Not so much

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1 F. Fiorillo  
2 Q. And would that answer be true for  
3 2005?  
4 A. I don't know in all of 2005.  
5 Q. At any point in 2005?  
6 A. I'm sure at one point.  
7 Q. Okay. Now -- and would you agree  
8 with me that you complained to Chief  
9 Paridiso about the Bosettis drinking because  
10 you were getting nowhere complaining to  
11 Mr. Hesse about that?  
12 A. It's not that I was getting  
13 nowhere complaining to Mr. Hesse about that.  
14 He wouldn't do anything about it anyway. He  
15 would actually be drinking with them.  
16 Q. And this started in 2002?  
17 A. Not initially. No.  
18 Q. How about 2003?  
19 A. No. No. No. The Bosettis  
20 drinking started in 2002.  
21 Q. And your complaints to Hesse  
22 started in 2002?  
23 A. Yes.  
24 Q. Okay. And let's talk about Hesse  
25 singling you out for cleaning. You used the

1 F. Fiorillo  
2 this time. I mean, I did it. That was  
3 okay. I had no problem with that.  
4 Q. Okay.  
5 A. You know?  
6 Q. Well, I'm interested in the  
7 time --  
8 A. But there was -- the very next  
9 night --  
10 Q. Okay.  
11 A. Okay? In other words --  
12 Q. You don't think you should have  
13 gone back to back nights cleaning?  
14 A. Well, it wasn't that. It was the  
15 purpose of cleaning. In other words, the --  
16 the glass on the vehicle had smoke -- a  
17 smoke film.  
18 Q. Right.  
19 A. I don't smoke.  
20 Q. Okay.  
21 A. Okay. I think that after the  
22 night before and -- what happened was this,  
23 I had -- I worked the night before. I  
24 came -- I came off duty. I went to court  
25 that morning. It was a Saturday morning.

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1 F. Fiorillo  
2 So, um, you want me to explain this or you  
3 want to question me?  
4 Q. No. No. That's all right. I  
5 asked you.  
6 A. Okay. So this is what happened.  
7 I go to court. Coming back from court --  
8 MR. GOODSTADT: Go ahead.  
9 THE WITNESS: You want me to  
10 finish?  
11 MR. GOODSTADT: Yeah. I'm just  
12 laughing at Ken's comment.  
13 THE WITNESS: He's fine.  
14 MR. GOODSTADT: You're doing  
15 good.  
16 A. So I go to court. I'm coming  
17 back from court. Chuck that. I'm going to  
18 court, okay? One of the dock masters comes  
19 up to me and says there's a filing cabinet  
20 in the bay.  
21 Q. Okay.  
22 A. Okay? I said, "You got to be  
23 kidding me?" So I walked over there and I  
24 saw it. I said, "I can't do anything about  
25 it now." I said, "I gotta go to court." I

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1 F. Fiorillo  
2 said, "Ronnie's at the desk. Have him get  
3 somebody from the Village to take care of  
4 this matter."  
5 Q. Okay.  
6 A. Okay? So I go to court. Finish  
7 my day in court. I'm coming back on Bay  
8 Walk and Richie Bosetti is in CJ's drinking  
9 a beer. He calls me from the -- from CJ's.  
10 It's very close to the street, so I could  
11 see him. The doors are open. I can see  
12 him, he can see me. And he says "Frank, can  
13 you give me a hand?" I said, "With what?"  
14 And he said, "Me and my brother got drunk  
15 last night and we threw the filing cabinet  
16 in the bay." I said, "I'm not gonna touch  
17 that, Richie." I said, "You guys got  
18 yourself into it, you guys gotta get  
19 yourself out of it." I said, "I gotta go  
20 home, because I gotta come back to work  
21 tonight." So --  
22 Q. Go ahead.  
23 A. So I went into the station and I  
24 said, "Hey, chief, you're not gonna believe  
25 this." I said -- and I told him. I told

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1 F. Fiorillo  
2 him the story. I said, "Richie pulls me  
3 aside over there and he says, you know, he  
4 needs help pulling the filing cabinet out of  
5 the bay because him and his brother got  
6 drunk last night," and he started laughing.  
7 Q. So if I understand what you just  
8 said, Richie Bosetti asked you for your  
9 assistance to help him pull a file cabinet  
10 out of the bay that he threw in with his  
11 brother, right?  
12 A. Him and his brother. Yeah.  
13 Q. Right. You said no?  
14 A. Right.  
15 Q. You said "you got yourself into  
16 this mess, you get yourself out." Okay. So  
17 you declined to help him out. And then you  
18 proceeded to go to Chief Paridiso and say  
19 "by the way, the Bosettis just asked me to  
20 help them pull the file cabinet out" --  
21 A. I didn't say "by the way." I  
22 said, "Chief, you're never gonna believe  
23 this."  
24 Q. Okay. And why did you feel the  
25 need to tell Chief Paridiso about this?

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1 F. Fiorillo  
2 A. It was a file cabinet with all  
3 the surveillance tapes.  
4 Q. How did you know it was all the  
5 surveillance tapes?  
6 A. Because I looked in the filing  
7 cabinet before I took it upstairs.  
8 Q. Oh, so you took the filing  
9 cabinet upstairs?  
10 A. From the station. Because the  
11 filing cabinet was in the station with all  
12 the other miscellaneous stuff. So --  
13 Q. And where did you put it?  
14 A. In the storage room in the -- in  
15 the barracks.  
16 Q. Did you put it near a bed?  
17 A. No. I put it by the lockers.  
18 Q. Okay. So you then told Chief  
19 Paridiso "you're not going to believe this,  
20 but the Bosettis threw a filing cabinet"?  
21 A. In the bay.  
22 Q. And did you tell him that the  
23 video surveillance tapes were in the filing  
24 cabinet?  
25 A. Oh, he knew -- chief -- okay. I

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1 F. Fiorillo  
2 didn't tell him that.  
3 Q. Is it your belief that the chief  
4 knew that the video surveillance tapes were  
5 in the filing cabinet?  
6 A. Yes.  
7 Q. And it's your testimony that  
8 Chief Paridiso laughed when you told him  
9 that the Bosettis threw the filing cabinet  
10 into the bay?  
11 A. Well, he chuckled.  
12 Q. He chuckled. Did he say anything  
13 else other than chuckled?  
14 A. No. Because I had to go. So I  
15 just -- I relayed the information, and it  
16 was up to him to do whatever he did.  
17 Q. You would agree with me that  
18 throwing a filing cabinet full of  
19 surveillance tapes is a pretty important  
20 thing to do, into the bay?  
21 A. I would agree with you on this.  
22 Q. Yes?  
23 A. Yes.  
24 Q. And you would think that the  
25 chief would be concerned about that?

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1 F. Fiorillo  
2 A. I would think so.  
3 Q. And are you aware of what, if  
4 anything, the chief did, other than chuckle?  
5 A. I don't know. I left.  
6 Q. Did you ever follow up?  
7 A. One of the --  
8 Q. I'm asking you. Did you ever  
9 follow up?  
10 A. Did I ever follow up personally?  
11 Q. Yeah. Right.  
12 A. No.  
13 Q. You felt it important enough --  
14 A. I heard what happened thereafter.  
15 I didn't follow up.  
16 Q. Okay. What happened? What did  
17 you hear happened thereafter?  
18 A. That -- I don't know. I don't  
19 know who got Jonathan Bucksbaum to get a  
20 couple of lifeguards or something to pull  
21 the filing cabinet out of the bay, but  
22 that's what I heard. I never -- I never  
23 heard, you know, anything else after that.  
24 Q. Did you follow up with Chief  
25 Paridiso as to what discipline, if any, he

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1 F. Fiorillo  
2 was going to give to the Bosettis for  
3 throwing the filing cabinet into the bay?  
4 A. Well, he obviously didn't fire  
5 them because they were still working.  
6 Q. I'm asking you if you followed up  
7 with Chief Paridiso?  
8 A. Why -- why was I supposed to  
9 follow up?  
10 Q. Well --  
11 A. I left it in -- I gave it -- what  
12 I did was I -- I brought -- I brought it to  
13 his attention.  
14 Q. Okay.  
15 A. And then he's the chief. I mean,  
16 I'm -- I'm just a cop under him, you know.  
17 He should follow -- he should do what he  
18 has to do.  
19 Q. Did you ever inquire with anyone  
20 as to whether Chief Paridiso disciplined the  
21 Bosettis at all with regard to this  
22 incident?  
23 A. I just couldn't believe why --  
24 how they didn't get disciplined.  
25 Q. Well, my question to you is, did

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1 F. Fiorillo  
2 you ever follow up with Chief Paridiso --  
3 I'm sorry. Did you ever follow up with  
4 anyone with regard to whether or not the  
5 Bosettis were disciplined for this?  
6 A. No.  
7 Q. To your knowledge, were the  
8 Bosettis disciplined for this?  
9 A. Well, I don't know.  
10 Q. Okay.  
11 A. But they weren't fired and they  
12 weren't suspended, so -- but I don't know  
13 when you say "disciplined," something else  
14 could have happened that I don't know.  
15 Q. But they weren't fired and they  
16 weren't suspended?  
17 A. Yes.  
18 Q. And it's your un -- it is your  
19 testimony to a certainty that you told Chief  
20 Paridiso about this?  
21 A. Oh, absolutely.  
22 Q. No doubt in your mind?  
23 A. No doubt in my mind.  
24 Q. Okay. Let's talk about your  
25 complaint to Paridiso concerning your

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1 F. Fiorillo  
2 statement involving the Halloween incident.  
3 What did you specifically complain to  
4 Paridiso about?  
5 A. That George Hesse wanted me to  
6 change my statement.  
7 Q. And what did you -- and when in  
8 relation to the Halloween incident did you  
9 tell Paridiso this?  
10 A. Shortly thereafter.  
11 Q. Days? Hours?  
12 A. Well, the next time --  
13 Q. Weeks?  
14 A. Let's see. The next time that I  
15 saw the chief in Ocean Beach, when I worked.  
16 I don't remember --  
17 Q. Okay.  
18 A. -- the timeline. I don't  
19 remember which day I worked.  
20 Q. Okay. And what did you  
21 specifically, in sum and substance, tell --  
22 yeah, that was bad. What did you, in sum  
23 and substance, tell Paridiso about what  
24 Chief Hesse wanted you to do?  
25 A. He said that he wanted me to

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1 F. Fiorillo  
2 change the statement as far as the Halloween  
3 incident went.  
4 Q. Is that all you told Chief  
5 Paridiso or did you go into more detail as  
6 to what Hesse said?  
7 A. Hesse said that's not the way it  
8 happened.  
9 Q. And -- and did you tell that to  
10 Paridiso?  
11 A. Yes.  
12 Q. Did you tell Paridiso anything  
13 else about what Hesse said? And the purpose  
14 of my question isn't trying to catch you. I  
15 really am just trying to find out what --  
16 everything that you said to Paridiso  
17 concerning your claim that Hesse wanted you  
18 to change the statement.  
19 A. Well, I'm telling you.  
20 MR. GOODSTADT: Objection.  
21 Q. So just tell me everything.  
22 A. Well, that was basically it.  
23 Q. All right.  
24 A. You know, I couldn't -- what I  
25 said was, "I'm not going to change the

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1 F. Fiorillo  
2 statement because that's the way it  
3 happened. I was there."  
4 Q. Okay. But you didn't witness the  
5 fight?  
6 A. I didn't put that in my  
7 statement.  
8 Q. I understand. But my question  
9 is, you didn't witness the fight?  
10 A. No.  
11 Q. So you told Paridiso -- and if  
12 I'm wrong, tell me, or if I mischaracterize  
13 your testimony, tell me -- that Hesse wanted  
14 you to change your statement because,  
15 according to Hesse, that's not the way it  
16 happened?  
17 A. Correct.  
18 Q. And you told Hesse that you  
19 wouldn't?  
20 A. I told him I wouldn't.  
21 Q. Okay. And then -- and you told  
22 Paridiso that you told Hesse that you  
23 wouldn't?  
24 A. Correct.  
25 Q. Why did you feel the need to

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1 F. Fiorillo  
2 complain to Paridiso if you had already told  
3 Hesse that you wouldn't do it?  
4 A. Because I think that he should  
5 have been aware of what I was going through  
6 on my end as being a cop who was on the  
7 scene and having -- what happened was  
8 George started an investigation, and all of  
9 a sudden our statements were no good, okay?  
10 He had Pat Cherry and himself or Pat Cherry  
11 was the lead investigator on the Halloween  
12 incident.  
13 MO Q. Okay. But, sir, I'm concerned  
14 not so much with what Hesse did -- and I'm  
15 going to move to strike --  
16 A. Well --  
17 Q. -- with regard to the  
18 investigation. I'm asking you about what  
19 Hesse said to you specifically.  
20 A. That's what I was getting to.  
21 Q. Well, then let's get to that.  
22 What did Hesse specifically say to you with  
23 regard to your statement?  
24 A. That my statement was not the way  
25 it happened.

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1 F. Fiorillo  
2 Q. Okay. And then --  
3 A. And neither was Tommy's  
4 statement, because he showed me Tommy's  
5 statement.  
6 Q. Okay. And he wanted you to  
7 change it?  
8 A. Yes.  
9 Q. And you said to Hesse "no"?  
10 A. "No."  
11 MR. NOVIKOFF: All right. Then  
12 we'll pick up with this when we change  
13 the tape.  
14 THE VIDEOGRAPHER: This ends  
15 tape number three. The time is 2:17  
16 p.m. Off the record.  
17 (A break was taken.)  
18 THE VIDEOGRAPHER: This begins  
19 tape number four. The time is 2:29  
20 p.m. Back on the record.  
21 Q. Sir, right after the answer to  
22 the last question, I don't know if the  
23 videographer or the court reporter got this,  
24 but you seemed that you wanted to say  
25 something else or clarify what your

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1 F. Fiorillo  
2 testimony was. So why don't you tell me  
3 what you wanted to say?  
4 A. I need you to ask me the question  
5 again and I can just answer it correctly. I  
6 don't think it sounded like I said "no"  
7 meaning no or "no" agreeing with you. I  
8 want to get that clear.  
9 MR. NOVIKOFF: Okay. So let me  
10 look at the court reporter's transcript  
11 and see if I can get the question for  
12 you. (Reviewing).  
13 A. It might be clear, but it sounded  
14 like it wasn't clear.  
15 Q. I asked you "Okay. And he wanted  
16 you to change it?" You answered, "Yes." My  
17 question was, "And you said to Hesse "no"?  
18 Answer, "No." So let me ask you this. When  
19 Hesse asked you to change your statement,  
20 what did you say to Hesse, if anything?  
21 A. "No."  
22 Q. Okay. Now did Hesse ask you --  
23 did Hesse use the words "falsify" in  
24 relation to changing your statement?  
25 A. I don't recall.

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1 F. Fiorillo  
2 Q. Did he say to you "I want you to  
3 lie in your statement"?  
4 A. I don't recall.  
5 Q. You don't recall? Wouldn't -- is  
6 that -- wouldn't you think that was  
7 important?  
8 MR. GOODSTADT: Objection.  
9 Q. With regard to this incident as  
10 to whether or not Hesse used the word "lie"  
11 or "falsify" with regard --  
12 A. I don't recall him saying that.  
13 Q. Oh, okay. So your answer is "no,  
14 I don't recall him saying that"?  
15 A. Yes.  
16 Q. Okay. And all you can recall  
17 Hesse saying is simply "I want you to change  
18 your statement because that's not the way it  
19 happened"?  
20 A. Right.  
21 Q. And you were upset because --  
22 A. I said, "I was there and this is  
23 what happened."  
24 Q. Okay. And Hesse said what, if  
25 anything, in response to that?

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1 F. Fiorillo  
2 A. He just was adamant that that's  
3 not the way it happened.  
4 Q. Okay. When you say he was  
5 adamant, was he throwing a chair around the  
6 room? Was he screaming?  
7 A. No. But he -- he has a tendency  
8 to raise his voice when he gets, you know,  
9 boisterous.  
10 Q. Okay. So when you said "no" to  
11 him and you explained why, what did he say  
12 in a raised voice?  
13 A. He said, "That's not the way it  
14 happened." But it wasn't just directed  
15 towards my statement. It was directed to  
16 all of our -- the three of us.  
17 Q. No. I understand that. But you  
18 were in the room, right?  
19 A. Absolutely.  
20 Q. Nofi wasn't in the room?  
21 A. No. Nofi -- no. Joe was --  
22 Q. I'm sorry, Lamm wasn't in the  
23 room with you?  
24 A. No.  
25 Q. And who else was on duty that



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1 F. Fiorillo  
2 night, Carter or Snyder?  
3 A. Tommy Snyder.  
4 Q. Okay. Snyder wasn't in the room  
5 with you with Hesse, was he?  
6 A. No. It was just me.  
7 Q. Okay. So I'm just trying to  
8 figure out, what else did Hesse say to you,  
9 if anything, in that meeting after you told  
10 him that no, you weren't going to change  
11 your statement?  
12 A. That's just what I can recall --  
13 Q. Okay.  
14 A. -- that happened.  
15 Q. And the only thing that you can  
16 recall that you said is what you just  
17 testified to, correct?  
18 A. Exactly.  
19 Q. Okay. And then you went to  
20 complain to Paridiso about this?  
21 A. Correct.  
22 Q. And that was the next time you  
23 had a shift?  
24 A. Yes.  
25 Q. Okay. And you don't recall how

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1 F. Fiorillo  
2 long the period of time was?  
3 A. It could have been the following  
4 weekend. I'm not sure. I -- I don't want  
5 to guess.  
6 Q. And what did Paridiso say, if  
7 anything, to you when you complained?  
8 A. He said he was going to talk to  
9 George about it because Cherry was taking,  
10 um, witness statements.  
11 Q. Okay. Did Paridiso say anything  
12 else?  
13 A. That's it.  
14 Q. Okay. And did you ever follow up  
15 with Paridiso after that to see if he did  
16 talk to Hesse?  
17 A. Well, I think that he would have  
18 came back to me and said something, if  
19 anything.  
20 Q. No. My question is did you --  
21 A. Oh, no.  
22 Q. -- follow up with Paridiso?  
23 A. I didn't follow -- I didn't  
24 follow up with him.  
25 Q. And did Paridiso advise you after

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1 F. Fiorillo  
2 that conversation with you that he had  
3 spoken to Hesse about your Complaint?  
4 A. No.  
5 Q. Okay. And let's see. And you  
6 have now testified to the entirety of your  
7 recollection concerning your conversation  
8 with Paridiso when you complained about  
9 Hesse wanting you to change your statement;  
10 is that correct?  
11 A. Yes.  
12 Q. You can't think of anything else  
13 that was said between you and Paridiso?  
14 A. As far as the Halloween fight  
15 or --  
16 Q. As far as your complaint to him  
17 that Hesse wanted you to change your  
18 statement?  
19 A. Only on the statement, yeah.  
20 That that was probably --  
21 Q. Right.  
22 A. -- everything.  
23 Q. Okay. And after Hesse asked you  
24 to change your statement, did you have any  
25 other communications with Hesse concerning

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1 F. Fiorillo  
2 anything involving your investigation that  
3 night?  
4 A. Later on, you know, months --  
5 months after that.  
6 Q. Yeah.  
7 A. Yes.  
8 Q. What did he say?  
9 A. He said that, um -- well, it's  
10 not so much what he said. It's what --  
11 what he did and what he showed me. In other  
12 words, you want me to explain?  
13 Q. Sure.  
14 A. Okay. What happened was later on  
15 in 2005, he and Pat Cherry got a hold of  
16 me -- when I say "got a hold of me," they  
17 asked me to come into the station into  
18 the -- by George's desk and sit down and  
19 they handed me a file. And George said,  
20 "Now you know how it happened because this  
21 is how it really happened." And he gave me  
22 the file, and he goes, "I want you to read  
23 these statements, because this man right  
24 here went out of his way to get all the  
25 statements, and this is what happened that



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1 F. Fiorillo  
2 night." So I had to sit there and read all  
3 these witness statements.  
4 Q. Okay. And did you say anything  
5 to Hesse while you were reading the witness  
6 statements?  
7 A. Not while. After.  
8 Q. Did you say anything to Hesse  
9 after --  
10 A. Yes.  
11 Q. -- you read the statements? What  
12 did you say?  
13 A. I said, "That's not the way it  
14 happened." I said -- this is what I said.  
15 I said, "From what I got that night, my  
16 statement reflects what happened when I got  
17 on the scene."  
18 Q. And your statement reflected what  
19 the three alleged victims of Gary Bosetti's  
20 pool swinging said, right?  
21 A. Well, not so much that. What I  
22 observed.  
23 Q. Well, you didn't observe the  
24 fight, correct?  
25 A. No. No. No. What I observed

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1 F. Fiorillo  
2 when I arrived on the scene.  
3 Q. Right.  
4 A. My statement had, you know, a  
5 synopsis of what actually I saw.  
6 Q. Okay. But I just -- I just need  
7 to clarify and I think the jury needs to  
8 have an understanding, you weren't at the  
9 scene at the time of the fight?  
10 A. No.  
11 Q. You came in after the fight was  
12 over?  
13 A. Correct.  
14 Q. And you made a statement,  
15 correct?  
16 A. Correct.  
17 Q. And you didn't talk to Richard  
18 Bosetti about anything that he may have  
19 observed, correct?  
20 MR. GOODSTADT: Objection.  
21 A. No. Well --  
22 Q. Well, did you -- did you put in  
23 your statement anything that Richard Bosetti  
24 said to you?  
25 A. No.

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1 F. Fiorillo  
2 Q. Did you put in your statement  
3 anything that Gary Bosetti may have said to  
4 you?  
5 A. No.  
6 Q. In fact, you didn't speak to Gary  
7 Bosetti that night about the events, did  
8 you?  
9 A. No.  
10 Q. And you didn't speak to Richard  
11 Bosetti about what he observed that night,  
12 did you?  
13 A. No.  
14 Q. Okay. So we've established that  
15 you didn't speak to Richard Bosetti and you  
16 didn't speak to Gary Bosetti.  
17 A. I was on -- okay.  
18 Q. And you didn't speak to, um --  
19 you know what, let me go through. You  
20 didn't speak to Bud Jaegger that night, did  
21 you?  
22 A. I don't even know who Bud Jaegger  
23 is.  
24 Q. But that was one of the  
25 statements that you read, correct?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. You didn't speak to Jeannie  
4 Jaegger that night, did you? Right?  
5 A. No.  
6 Q. And you are aware, at least now,  
7 that Jeannie Jaegger is the woman that says  
8 she was being choked by one of the three  
9 individuals that went to the police station  
10 that night?  
11 A. I'm aware of that. I don't --  
12 Q. I'm not suggesting you can verify  
13 it. I'm not suggesting you saw it.  
14 A. I'm aware of that.  
15 Q. You're aware of that by virtue of  
16 reading --  
17 A. One of the statements.  
18 Q. Right. You didn't talk to Ian  
19 Levine that night, did you?  
20 A. Yes, I did.  
21 Q. You did? And what did Ian Levine  
22 say to you that night?  
23 A. Well, it's what I asked him. I  
24 said, "Ian, what did you -- what happened  
25 here?" He goes, "I don't know." He was

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1 F. Fiorillo  
2 walking out of the bar.  
3 Q. Okay.  
4 A. Because I was on the outside. I  
5 wasn't inside.  
6 Q. Then Ian Levine put in a  
7 statement, correct?  
8 A. He didn't put in a statement that  
9 he spoke to me.  
10 Q. No. He put in a statement  
11 concerning the occurrence?  
12 A. Oh, yeah. Yeah.  
13 Q. And let's see. Who else? Shawn  
14 O'Rourke, did you take a statement of Shawn  
15 O'Rourke that night?  
16 A. No. He was inside the bar.  
17 Q. Right. And he put in a statement  
18 that you read, right?  
19 A. Yes.  
20 Q. Okay. So you have no knowledge  
21 one way or the other as to whether Shawn  
22 O'Rourke was telling the truth in his  
23 statement?  
24 A. Do I have any knowledge if he was  
25 or not?

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1 F. Fiorillo  
2 Q. Right.  
3 A. I have no knowledge.  
4 Q. And you have no knowledge one way  
5 or the other as to whether Jeannie Jaegger  
6 was telling the truth?  
7 A. No knowledge.  
8 Q. And you have no knowledge as to  
9 whether Bud Jaegger was telling the truth,  
10 correct?  
11 A. No knowledge.  
12 Q. And you have no knowledge as to  
13 whether Ian Levine was telling the truth?  
14 A. Correct.  
15 Q. Right. Danny McKenna, was he the  
16 bartender that night?  
17 A. I didn't go in the bar. I don't  
18 know.  
19 Q. So you have -- you have no  
20 knowledge who the bartender was that night?  
21 A. I didn't go in the bar.  
22 Q. Do you know if Lamm went in the  
23 bar?  
24 A. Yes, he did.  
25 Q. Did Lamm ever advise you who the

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1 F. Fiorillo  
2 bartender was?  
3 A. I think -- I think he did say  
4 that -- but you were asking me if I knew.  
5 Q. That's right. And you said you  
6 didn't know. And now I'm asking --  
7 A. Lamm told me afterwards that  
8 Danny McKenna was the bartender in the bar.  
9 Q. Afterwards that night or  
10 afterwards the next day or the next --  
11 A. No. No. That night.  
12 Q. Did you ever seek out Danny  
13 McKenna to get a statement from him that  
14 night?  
15 A. No. I wasn't in the bar.  
16 Q. No. I understand that.  
17 A. I don't know what they -- what  
18 they did in the bar. I didn't --  
19 Q. Sir, did you -- did you  
20 personally ever seek out Danny McKenna that  
21 night to get a statement from him?  
22 A. No. I didn't know at that -- at  
23 that time that Danny McKenna was involved in  
24 any --  
25 Q. Well, Mr. Lamm told you at some

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1 F. Fiorillo  
2 point in time that evening that Dan McKenna  
3 was --  
4 A. Later on, yeah. After --  
5 Q. In the evening? In the early  
6 morning?  
7 A. In the morning, yeah.  
8 Q. Right. Before you left your  
9 shift?  
10 A. Yes.  
11 Q. So before you left your shift  
12 that night, you knew that Danny McKenna was  
13 the bartender, right, from Mr. Lamm?  
14 A. I'm trying to think of the  
15 timeline. We -- we never discussed who the  
16 bartender was shortly thereafter because we  
17 were tending to the victims. So I don't  
18 know when that came -- when that actual  
19 statement came up that Danny McKenna was the  
20 bartender. I don't know.  
21 Q. Oh, so it could have been not  
22 that morning, but after your shift ended, is  
23 that what you're saying?  
24 A. I can't recall that particular --  
25 you know what it was, it didn't -- I was on

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1 F. Fiorillo  
2 the outside and I didn't know who was in the  
3 inside. I didn't know who was tending bar.  
4 I didn't know that. I didn't -- I didn't  
5 visualize it. I didn't have it in my head  
6 who was --  
7 Q. Did you ask at any point in time  
8 prior to you leaving the island at the end  
9 of your shift, who the bartender was that  
10 night?  
11 A. No. I didn't do that.  
12 Q. Did you know -- did you ever take  
13 a statement from Doug Wyckoff that night?  
14 A. No.  
15 Q. Were you aware that Doug Wyckoff  
16 was a witness?  
17 A. In the witness statement.  
18 Q. Right.  
19 A. Yes.  
20 Q. Are you aware now that Doug  
21 Wyckoff said he was a witness to the events  
22 that night?  
23 A. Yes. Yes.  
24 Q. Were you aware that night?  
25 A. No.

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1 F. Fiorillo  
2 Q. And like you would have no  
3 knowledge one way or the other as to whether  
4 or not Doug Wyckoff was truthful in his  
5 witness statement, correct?  
6 A. I would have no knowledge of  
7 that.  
8 Q. How about Elyse Miller, did you  
9 speak to Elyse Miller that night?  
10 A. No. At that night, yes. Earlier  
11 in the evening.  
12 Q. But after the incident?  
13 A. No.  
14 Q. You saw Elyse Miller's statement  
15 when George Hesse gave you the --  
16 A. Yes.  
17 Q. Right. And do you have any  
18 reason to know one way or the other as to  
19 whether Elyse Miller was telling the truth?  
20 A. No.  
21 Q. And you've alleged a cover up of  
22 the incident, correct?  
23 A. Yes.  
24 Q. So if I understand your  
25 allegations correctly, in order for there to

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1 F. Fiorillo  
2 have been a cover up, Richard Bosetti, Gary  
3 Bosetti, Elyse Miller, Doug Wyckoff, Ian  
4 Levine, Bud Jaegger, Bud Jaegger's wife and  
5 everyone else that gave a witness statement  
6 that night, other than the alleged victims,  
7 were lying?  
8 A. I didn't say they were lying.  
9 Q. Well, sir --  
10 A. You've just established that I  
11 had no knowledge if they were telling the  
12 truth or not.  
13 Q. But, sir, here's my question to  
14 you. You're alleging a cover up, right?  
15 A. Yes.  
16 Q. What is your understanding of  
17 what the concept of a cover up means?  
18 A. Okay.  
19 Q. Generically. Not as it pertains  
20 to the Halloween incident. Generically.  
21 A. Generically, something that  
22 happened that was altered to view -- to  
23 have looked like it happened in another  
24 manner.  
25 Q. Okay. Got it. So if I

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1 F. Fiorillo  
2 understand your allegations correctly, you  
3 are alleging that the Ocean Beach Police  
4 Department covered up the Halloween  
5 incident, correct?  
6 A. Yes.  
7 Q. And that George Hesse was a  
8 participant in this cover up?  
9 A. Yes.  
10 Q. And the cover up was for the  
11 purpose of benefitting Gary Bosetti?  
12 A. Well, I don't know if that was  
13 the whole purpose.  
14 Q. Well, what was the purpose of the  
15 cover up to your -- based upon your  
16 allegations?  
17 A. Not to have Gary Bosetti fired.  
18 Q. Okay.  
19 A. To clear him of any criminal  
20 charges.  
21 Q. Right.  
22 A. It essentially, you know, made  
23 Hesse -- he tried to make himself look like  
24 he was conducting an investigation that we  
25 handled that made him look like we didn't do

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1 F. Fiorillo  
2 our job correctly.  
3 Q. Okay. Okay. Anything else?  
4 A. Um, well, sure. Because Gary  
5 Bosetti was the person who was involved in  
6 the fight.  
7 Q. Right.  
8 A. And he wound up being the  
9 arresting officer, and he left the scene.  
10 Q. Okay. So you've --  
11 A. So sure.  
12 Q. You've just told me what you  
13 believed the purpose of the cover up was?  
14 A. Correct.  
15 Q. I'm not fighting you on that. I  
16 just wanted to know what you thought. So  
17 given what you've now testified to was the  
18 purpose of the cover up, and you've defined  
19 for the jury what your understanding of what  
20 a cover up is, Bud Jaegger would have been a  
21 participant in this cover up because he gave  
22 a statement, correct?  
23 A. I don't know if Bud Jaegger was  
24 there or not. I didn't take --  
25 Q. But in order for your cover up

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1 F. Fiorillo  
2 allegation to -- to be accurate, you would  
3 agree with me that Bud Jaegger would have  
4 had to have lied in his witness statement --  
5 MR. GOODSTADT: Objection.  
6 Q. -- that you read, correct?  
7 A. I can't say that he lied. You  
8 know --  
9 Q. You would have to agree with me  
10 that Jeannie Jaegger was lying in her  
11 witness statement, right?  
12 MR. GOODSTADT: Objection.  
13 Q. Well, let me state it a different  
14 way. If all of the individuals who gave  
15 witness statements were telling the truth,  
16 putting aside Gary Bosetti and Richard  
17 Bosetti.  
18 A. Okay.  
19 Q. All the civilians.  
20 A. Okay.  
21 Q. Would you still agree that there  
22 was a cover up to protect Gary Bosetti?  
23 A. Absolutely.  
24 Q. How do you explain that?  
25 A. They were all drinking buddies.

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1 F. Fiorillo  
2 Every single one of them.  
3 Q. The civilians you're talking  
4 about?  
5 A. They're all civilians.  
6 Q. So you're suggesting that the  
7 civilians were lying to protect Gary  
8 Bosetti?  
9 A. Yes.  
10 Q. Right. That's -- that's what I'm  
11 trying to find out.  
12 A. Okay. I'm sorry.  
13 Q. So you -- it would be your belief  
14 that Bud Jaegger was lying in his witness  
15 statement?  
16 A. Yes.  
17 Q. It would be your belief that  
18 Jeannie Jaegger was lying in her witness --  
19 A. Yes.  
20 Q. -- statement? Let me finish. It  
21 would be your belief that Ian Levine was  
22 lying in his witness statement, correct?  
23 A. Yes.  
24 Q. It would be your belief that Doug  
25 Wyckoff was lying in his witness statement?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. It would be your belief that  
4 Elyse Miller was lying in her witness  
5 statement?  
6 A. Yes.  
7 Q. It would be your belief that  
8 Shawn O'Rourke was lying in his witness  
9 statement?  
10 A. Yes.  
11 Q. It would be your belief that  
12 Richard Bosetti was lying in his statement?  
13 A. Yes.  
14 Q. It would be your belief that  
15 whatever statement Gary Bosetti gave, he was  
16 lying?  
17 A. Yes.  
18 Q. Okay. And it would be your  
19 contention that all of the civilians,  
20 putting aside the Bosettis, that lied in  
21 their witness statements, subjecting  
22 themselves to potential criminal penalty,  
23 lied because they were drinking buddies with  
24 the Bosettis?  
25 A. Absolutely.

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1 F. Fiorillo

2 Q. Okay. And what about the  
3 prosecutor in this case -- withdrawn. Are  
4 you aware that Mr. Vankoot pled guilty to a  
5 crime as it relates to this incident?

6 A. Yes.

7 Q. What is your understanding with  
8 regard to what Mr. Vankoot pled guilty to?

9 A. I don't exactly know what the  
10 deal was. They -- they had a plea deal.

11 Q. Right. Is it your belief that  
12 the prosecutor that day for the Village was  
13 in on the cover up, since he prosecuted  
14 Mr. Vankoot?

15 A. I have no knowledge of that.

16 Q. Okay. Is it your contention that  
17 the judge, Mr. Wexler, was in on the cover  
18 up that day because he accepted the plea of  
19 guilty by Brian Vankoot?

20 A. I have no knowledge of that.

21 Q. Are you aware that Mr. Wexler is  
22 the son of Judge Wexler in the federal court  
23 in which this lawsuit is being filed?

24 A. I have no knowledge of that.

25 Q. Are you alleging that Brian

1 F. Fiorillo

2 Q. Okay. He did not state to you  
3 that he started the fight, correct?

4 A. Correct.

5 Q. He didn't tell you that he kicked  
6 the person who was claiming to be a police  
7 officer, correct?

8 A. Correct.

9 Q. In fact, if I recall correctly,  
10 all Mr. Vankoot told you was that he was  
11 attacked by someone who was a police officer  
12 and he was knocked unconscious?

13 A. Correct.

14 Q. At no point in time did  
15 Mr. Vankoot ever tell you or any of the  
16 other two officers that he struck any person  
17 identifying himself as a police officer that  
18 night, correct?

19 A. Correct.

20 Q. Okay. Now Mr. Vankoot, within  
21 the next two to three months, pled guilty to  
22 striking an individual that night. Do you  
23 have that understanding?

24 A. Yes.

25 Q. Okay. So would you agree with me

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1 F. Fiorillo

2 Vankoot, when he allocuted, when he stated  
3 on the record what he did that night that  
4 formed the basis of his plea of guilty, was  
5 lying to the judge?

6 A. Do you want me to --

7 Q. I'm asking you your belief, sir.

8 A. I don't -- can you rephrase that  
9 question?

10 Q. Sure. I'll break it down even  
11 simpler. At least I'll try to break it down  
12 more simply. Brian Vankoot told you or told  
13 Mr. Lamm or told Mr. Snyder that night that  
14 he was attacked by Gary Bosetti, correct?

15 A. We didn't know who he was  
16 attacked by.

17 Q. He was attacked by someone saying  
18 that they were a police officer?

19 A. Right. But we didn't know who he  
20 was attacked by at the time.

21 Q. That's fine. Mr. Vankoot advised  
22 you and the other officers that he was  
23 attacked by someone who claimed that they  
24 were -- he was a police officer, correct?

25 A. Correct.

1 F. Fiorillo

2 that either Mr. Vankoot was lying to you the  
3 night of the Halloween incident or he was  
4 lying to the judge at the time he took the  
5 plea?

6 MR. GOODSTADT: Objection.

7 A. I can't agree with you on that.

8 Q. Why not? How could Mr. Vankoot  
9 have been telling the truth the night of the  
10 Halloween incident when he told you that he  
11 did nothing in terms of striking this  
12 individual, but when he pled guilty, he  
13 admitted to striking that individual?

14 MR. GOODSTADT: Objection.

15 Q. How can you reconcile those two  
16 statements? You're a police officer, you've  
17 done investigations, right?

18 A. Yes.

19 Q. If someone told you on day one  
20 that the sky was blue, and then told you on  
21 day 10 that the sky was black, wouldn't you  
22 agree with me that either they were wrong on  
23 day one or they were wrong on day 10?

24 MR. GOODSTADT: Objection.

25 A. I don't know how to answer that



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1 F. Fiorillo  
2 question based on the Brian Vankoot pleading  
3 guilty.  
4 Q. I'm not asking you now about  
5 Brian Vankoot. I'm saying you're a police  
6 officer, sir, right? Or you were at least?  
7 A. I'm a fired police officer.  
8 Q. Right. But you were a police  
9 officer, right?  
10 A. Yes.  
11 Q. And you believe you had the  
12 experience to do investigations, right?  
13 A. Yes.  
14 Q. And you would agree with me that  
15 you had at least a sufficient education and  
16 experience to ask questions and receive  
17 information, right?  
18 A. Yes.  
19 Q. So, if one -- let's assume on day  
20 one of your investigation an individual  
21 tells you that he was hit with a bat, right?  
22 A. Right.  
23 Q. And then on day 10 he tells  
24 someone else "no, I wasn't hit with a bat,  
25 in fact, I hit that person with a bat," you

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1 F. Fiorillo  
2 would agree with me that those are two  
3 completely different stories, correct?  
4 MR. GOODSTADT: Objection.  
5 A. Absolutely.  
6 MR. GOODSTADT: Objection.  
7 Q. Okay. So you would also agree  
8 with me, sir, that either that person was  
9 lying on day one or he was lying on day 10,  
10 correct?  
11 MR. GOODSTADT: Objection.  
12 Q. Given your experience?  
13 A. I can't say that because that --  
14 there were circumstances involved in -- in  
15 Brian Vankoot's situation, I was there.  
16 Q. What were the circumstances that  
17 would have caused Mr. Vankoot to tell you  
18 that he was attacked on that night, but then  
19 in front of the judge, tell the judge that  
20 he was the one that hit the individual?  
21 A. Brian Vankoot did not want to  
22 plead guilty that day.  
23 Q. How do you know that?  
24 A. I was standing right next to him.  
25 Q. Did you talk to Brian Vankoot?

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1 F. Fiorillo  
2 A. I didn't talk to him.  
3 Q. Did he ever tell you before that  
4 that he didn't want to plead guilty?  
5 A. Yes. He, told -- well, not me.  
6 No.  
7 Q. I'm talking to you. Did he ever  
8 tell you --  
9 A. Not to me.  
10 Q. -- that he wanted -- he didn't  
11 want to plead guilty?  
12 A. Not to me.  
13 Q. So then what you're telling me is  
14 when he pled guilty that day in court, he  
15 was in fact lying to the court about the  
16 events of that evening?  
17 MR. GOODSTADT: Objection.  
18 Q. Would you agree with me, sir?  
19 A. I can't say that because that's  
20 not the way -- I mean, it's easy for you to  
21 say that, but I was in the room.  
22 Q. Did he state to the judge what  
23 went on that night in his own words? You  
24 were there?  
25 A. I was there.

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1 F. Fiorillo  
2 Q. Sir --  
3 A. But he was very reluctant.  
4 Q. Sir, I'm not asking about his  
5 reluctance. Yes or no, did he stand up and  
6 tell the judge what he -- what occurred  
7 that night before he accepted the plea of  
8 guilty?  
9 MR. GOODSTADT: Objection.  
10 Answer it the way you need to answer  
11 it, and make your motion to strike if  
12 you need to make a motion to strike.  
13 Q. Do you want me to ask the  
14 question again?  
15 A. No. But I want to answer it  
16 truthfully.  
17 Q. Well, I'm asking the question.  
18 Did Mr. Vankoot stand up and speak to the  
19 judge and tell the judge what went on that  
20 night as it pertains to him?  
21 A. Well, he actually -- he -- what  
22 happened was he backed off from talking to  
23 the judge because he told his lawyer that he  
24 wasn't going to plead guilty. He didn't  
25 want to plead guilty.



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1 F. Fiorillo  
2 Q. And you heard this?  
3 A. Yes.  
4 Q. How did you hear this?  
5 A. I was right next to him.  
6 Q. You were in the well when he was  
7 being --  
8 A. No. It's the courtroom.  
9 Q. You were standing right next to  
10 him?  
11 A. In the Ocean Beach Village Court,  
12 the judge is -- is up on top and he was  
13 with his lawyer. We were situated right on  
14 the floor. Not in the well. It's not --  
15 it's not like you think like in a formal  
16 trial as in a big court.  
17 Q. And so my question is, now that  
18 you said what you wanted to say, did  
19 Mr. Vankoot stand up and talk to the judge  
20 about what went on?  
21 A. There were things going back and  
22 forth with the judge and his lawyer and him  
23 and his lawyer and it was --  
24 Q. At any point in time, sir --  
25 A. He did talk to the judge.

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1 F. Fiorillo  
2 Q. Thank you. Did -- isn't it true,  
3 sir, that he told the judge that he kicked a  
4 person now known to be Gary Bosetti?  
5 A. I don't know if -- I don't  
6 recall his whole testimony because --  
7 Q. Well, what do you recall, sir?  
8 You were standing there. You recall  
9 specifically that he didn't want to take the  
10 plea. So are you telling the jury that you  
11 remembered that, but you don't remember what  
12 Mr. Vankoot said?  
13 A. Well, that stuck out in my mind.  
14 I'm telling you the truth. I don't know --  
15 it was going back and forth from the judge  
16 to the lawyer, from the lawyer to the judge  
17 to Vankoot. It was -- it wasn't cut and  
18 dry plead guilty and case over. It  
19 wasn't -- it didn't go down like that.  
20 Q. But he did plead guilty?  
21 A. Ultimately he did.  
22 Q. He pled guilty to striking Gary  
23 Bosetti?  
24 A. I don't know what -- the plea  
25 deal.

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1 F. Fiorillo  
2 Q. No. I'm not asking about --  
3 A. I don't know what he pled guilty  
4 to exactly. I don't.  
5 Q. Okay. On the day of the plea, do  
6 you believe that Vankoot was committing  
7 perjury?  
8 MR. GOODSTADT: Objection.  
9 A. How would I know?  
10 Q. You said you were there. You  
11 were there at the incident and you were  
12 there at the plea. Who better than you  
13 would know?  
14 MR. GOODSTADT: Objection.  
15 A. Well --  
16 Q. Other than Mr. Vankoot?  
17 A. How do I know if he's pleading --  
18 if he's committing perjury? How do I know  
19 that?  
20 Q. That's right. How would you know  
21 that? So, likewise, how would you know if  
22 he was committing perjury to you that night  
23 when he told you what was going on?  
24 A. Well, how do I know that all  
25 these witnesses weren't committing perjury

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1 F. Fiorillo  
2 on the statements?  
3 Q. That's right. So you don't know  
4 as you sit here today as to whether  
5 Mr. Vankoot was telling you the truth the  
6 night you took his statement on the night of  
7 the Halloween incident, correct?  
8 A. Correct.  
9 Q. Okay. Also, now did you,  
10 Mr. Lamm or Mr. Snyder secure the crime  
11 scene, did you? Isn't that true, the night  
12 of the Halloween incident?  
13 A. We -- well, what I did was --  
14 well, you want to tell me -- I can tell  
15 you --  
16 Q. You know what --  
17 A. I don't know what they did.  
18 Q. Let me ask you what you did.  
19 You're 100 percent right. I'm only to ask  
20 you what you did or what you observed. Did  
21 you security the crime scene?  
22 A. I was tending to the victims  
23 outside in the street.  
24 Q. Yes or no, sir, did you secure  
25 the crime scene? You asked me to ask you

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1 F. Fiorillo  
2 specifically about you, so that's what I'm  
3 doing. And I agree with you. I should only  
4 be asking you about what you did. Did you  
5 secure the crime scene that night?  
6 A. I didn't.  
7 Q. Did you instruct Lamm or Snyder  
8 to secure the crime scene that night?  
9 A. I got to tell you, I was tending  
10 to the victims. My -- my -- my initial  
11 concern was to get these people medical  
12 attention. That was my concern.  
13 Q. Sir, my question to you is  
14 simple, did you ask Lamm or Snyder to secure  
15 the crime scene that night?  
16 A. No.  
17 Q. Did -- do you have an  
18 understanding as to what "secure the crime  
19 scene" is?  
20 A. Yes.  
21 Q. For the jury who hasn't watched  
22 Law & Order for the last 20 years, can you  
23 tell them what you -- what your  
24 understanding is of securing the crime  
25 scene?

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1 F. Fiorillo  
2 A. To keep all the evidence intact  
3 and not touched.  
4 Q. Are you aware, as you sit here  
5 today, as to whether Lamm or Snyder  
6 undertook any efforts to secure the crime  
7 scene that night?  
8 A. I don't recall.  
9 Q. Did you take any effort to find  
10 the pool stick that was allegedly used to  
11 strike one or all of the three alleged  
12 victims that night?  
13 A. Well, I tended to the victims, so  
14 I wasn't --  
15 Q. So your answer would be no?  
16 A. My answer was -- well, because I  
17 wasn't in the bar.  
18 Q. I understand that.  
19 A. Yes. My answer is no.  
20 Q. Right. Okay. At any point in  
21 time prior to you leaving the island after  
22 the end of your shift, did you call Chief  
23 Paridiso to tell him what had gone on?  
24 A. He called me.  
25 Q. Did you call Paridiso?

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1 F. Fiorillo  
2 A. No.  
3 Q. Now would it -- isn't it true,  
4 sir, that you knew at a minimum, that  
5 Richard Bosetti had witnessed something that  
6 had gone on that night, right?  
7 A. Well, I didn't speak to Richie on  
8 what happened inside the bar.  
9 Q. But were you aware before the end  
10 of your shift that Richard Bosetti had  
11 witnessed something that went on?  
12 A. He didn't come up to me and tell  
13 me that he witnessed anything. In other  
14 words --  
15 Q. So is your answer no?  
16 A. No. The answer is no.  
17 Q. Okay. You were aware, though,  
18 that there was a claim that someone who  
19 identified themselves as a police officer  
20 was involved?  
21 A. Yes.  
22 Q. And you're aware that, at least  
23 according to one or three of the individuals  
24 that you took to the police station that  
25 night, someone pulled out a police shield

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1 F. Fiorillo  
2 that was involved in the incident that  
3 night?  
4 A. Yes.  
5 Q. Did you call up Chief -- I mean  
6 did you call up Mr. Hesse to advise him that  
7 there may be an officer that was involved in  
8 an altercation?  
9 A. No.  
10 Q. Did you call up Mayor Rogers at  
11 the time, prior to the -- to you leaving the  
12 island that morning, that there may have  
13 been an officer involved in an -- in an  
14 altercation?  
15 A. No.  
16 Q. Did you advise Mr. Loeffler, when  
17 he came with the ambulance, that there may  
18 have been an officer involved in an  
19 altercation?  
20 A. He knew that there was an officer  
21 involved in the altercation.  
22 Q. How did he know that?  
23 A. From what Tommy told him.  
24 Q. Okay. But did you tell Loeffler?  
25 A. No. Because --

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1 F. Fiorillo  
2 Q. Did Loeffler advise you that he  
3 knew that there was an officer involved?  
4 A. Did Loeffler advise me?  
5 Q. Yeah.  
6 A. No.  
7 Q. Okay. Did you advise the Third  
8 Precinct that there was an altercation that  
9 required medical attention involving  
10 possibly an officer of the Ocean Beach  
11 Police Department?  
12 A. Why would I have to -- hold on.  
13 Q. Did you? My question is did you?  
14 A. No.  
15 Q. Okay. When did you first become  
16 aware that Gary Bosetti was involved in the  
17 Halloween incident?  
18 A. The morning of -- let's see.  
19 That would be Sunday morning.  
20 Q. And how -- and how did you first  
21 learn of this? Sunday morning --  
22 A. Wait. Do I have the timeline  
23 right?  
24 Q. In relation to the incident, the  
25 incident occurred around 2:30, 3:00 the

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1 F. Fiorillo  
2 morning of October 31, correct?  
3 A. Okay. So it was Sunday, October  
4 31 in the morning.  
5 Q. Before or after the end of your  
6 shift?  
7 A. Well, that -- I can't -- I'll  
8 have to answer the question so you  
9 understand what I did.  
10 Q. Sure.  
11 A. I worked a double shift, so I  
12 didn't -- I didn't go off duty.  
13 Q. Oh, you didn't go off duty. So  
14 when your shift ended -- when did your first  
15 shift end?  
16 A. It ended at 8:00 in the morning.  
17 Q. Okay.  
18 A. So it really didn't end. I was  
19 continuing --  
20 Q. Right. Prior to the end of your  
21 first shift, how did you learn that Gary  
22 Bosetti was involved?  
23 A. I think it was the beginning of  
24 my second shift. The beginning of my second  
25 shift I learned that he was involved.

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1 F. Fiorillo  
2 Q. I'm sorry, how soon after the end  
3 of your first shift did you learn that Gary  
4 Bosetti was involved?  
5 A. It was the begin -- how soon  
6 after my first shift? It was the beginning  
7 of my second shift.  
8 Q. How soon after the beginning of  
9 your --  
10 A. Okay. So it was within the  
11 next -- within the next two hours.  
12 Q. Who told you or how did you  
13 learn?  
14 A. Well, the chief -- the chief --  
15 well, what happened was the chief called me  
16 up and I told him what happened from the  
17 night before, and he said he was going to  
18 come in on the next ferry.  
19 He comes in on the next ferry.  
20 The parties involved from the incident from  
21 the night before came to the station when  
22 the chief came to the station. It was like  
23 they came -- I think -- I'm not sure, but I  
24 think they were on the boat with him. I'm  
25 not sure, but I think that's how it went,

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1 F. Fiorillo  
2 how that transpired, because I didn't see  
3 the chief come off the ferry, but I think  
4 they came in together.  
5 Q. Right.  
6 A. Anyway, they were in the -- they  
7 were in the -- in the office by George  
8 Hesse's desk, and the chief was interviewing  
9 everybody involved, and what one of the -- I  
10 think it was Chris Shalick pointed to a  
11 picture above George Hesse's desk of Gary  
12 Bosetti. So he told the chief, Chief  
13 Paridiso, that that's the person that was  
14 involved in the fight and hit him with the  
15 pool cue.  
16 Q. Okay. Let's go back to the time  
17 that you say a few months after the incident  
18 that Chief Hesse called you and gave you the  
19 folder and told you that John Cherry had  
20 gone out of his way to do the investigation  
21 and I want you to read all of the  
22 statements, do you recall that?  
23 A. Yes.  
24 Q. When in relation to the start of  
25 the season did that take place?

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1 F. Fiorillo  
2 A. I think pretty close to the start  
3 of the season. You know --  
4 Q. Okay. And after you read those  
5 statements, what, if anything, did you say  
6 to Hesse?  
7 A. That that's not the way it  
8 happened.  
9 Q. Okay. Did you say anything else?  
10 A. I don't recall saying anything  
11 else.  
12 Q. Did you say anything to  
13 anybody -- to Chief Paradiso about the  
14 incident after you read the statements that  
15 Hesse made you read?  
16 A. No. Because I think at the time  
17 that I read the statements, I think the case  
18 was over. I don't think it was ongoing. I  
19 think it was -- I think I got the statements  
20 after everything was completed.  
21 Q. No. I believe you're right on  
22 that. But nevertheless, after you read the  
23 statements, you told Hesse that that's not  
24 the way it happened, right? Right?  
25 A. Yes.

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1 F. Fiorillo  
2 Q. And so my question to you is, did  
3 you tell Paradiso after you read those  
4 statements that that's not the way it  
5 happened?  
6 A. No. I told him that when  
7 initially --  
8 Q. I'm only asking you about --  
9 A. Not then. No.  
10 Q. Okay. Now did you form the  
11 belief at that -- did you have the belief  
12 at that time that there was a cover up?  
13 A. Yes.  
14 Q. I'm talking specifically about  
15 the time that you read the statements.  
16 A. Yes.  
17 Q. Okay. Did you go to Chief  
18 Hesse -- I'm sorry, did you go to Chief  
19 Paradiso and advise him that you believed  
20 there was a cover up?  
21 A. No.  
22 Q. Did you go before -- before  
23 August 1 of 2005, did you go to Mayor Rogers  
24 and complain that there was a cover up?  
25 A. No.

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1 F. Fiorillo  
2 Q. Did you go to Trustee Loeffler  
3 and complain that there was a cover up?  
4 A. No.  
5 Q. Did you go to the Suffolk County  
6 District Attorney's office and complain that  
7 there was a cover up?  
8 A. When?  
9 Q. Prior to August 1, 2005?  
10 Regarding the Halloween incident?  
11 A. Prior to August 1?  
12 Q. Right.  
13 A. No.  
14 Q. And, in fact, if I recall your  
15 testimony correctly, the Suffolk County  
16 District Attorney contacted you?  
17 A. Correct.  
18 Q. You never contacted them  
19 initially about any alleged cover up,  
20 correct?  
21 A. I don't recall doing that.  
22 Q. And you never went to any media  
23 outlet?  
24 A. No.  
25 Q. And you never presented yourself

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1 F. Fiorillo  
2 to a board of trustees meeting?  
3 A. No.  
4 Q. And say that there was a cover  
5 up?  
6 A. No.  
7 Q. You never went to the Suffolk  
8 County Legislature to say that there was a  
9 cover up?  
10 A. No.  
11 Q. In fact, isn't it fair to say  
12 that other than your communications with the  
13 Suffolk County District Attorney's office,  
14 prior to the time that you were not rehired  
15 or fired as you claim, you did absolutely  
16 nothing to publicize your opinion that there  
17 was a cover up, other than to other officers  
18 at Ocean Beach?  
19 A. Correct.  
20 Q. And what other officers did you  
21 say -- did you claim that there was a cover  
22 up prior to your last day -- prior to April  
23 2, 2006?  
24 A. Who did -- who did I talk to  
25 about that incident being a cover up?

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1 F. Fiorillo  
2 Q. Yeah.  
3 A. Kevin Lamm.  
4 Q. Um-hum.  
5 A. Tommy Snyder.  
6 Q. Um-hum.  
7 A. Eddie Carter.  
8 Q. Okay.  
9 A. Joe Nofi.  
10 Q. Okay.  
11 A. Prior to -- excuse me. Can I go  
12 back to that?  
13 Q. Sure.  
14 A. Prior to me being fired or what  
15 was the date?  
16 Q. Prior to April 2, 2006.  
17 A. Dave Gerden.  
18 Q. And who's Dave Gerden?  
19 A. He was also a police officer on  
20 Ocean Beach.  
21 Q. And what did you say to Dave  
22 Gerden?  
23 A. I told him what happened with the  
24 Halloween incident, and you know, that I  
25 felt that there was a cover up.

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1 F. Fiorillo  
2 Q. And what did you -- what did  
3 Gerden say to you, if anything?  
4 A. Let me think. He told me that  
5 Gary Bosetti hit that guy with the pool cue  
6 because Gary Bosetti told him that he hit  
7 the guy with the pool cue.  
8 Q. Dave Gerden says that Gary  
9 Bosetti told him that he hit the guy with  
10 the pool cue?  
11 A. Yes.  
12 Q. Okay. And have you told the DA  
13 that?  
14 A. Yes.  
15 Q. Let's go back to the Complaint.  
16 Let's go to page 44.  
17 A. (Reviewing). Okay.  
18 Q. Let's look at paragraph 189.  
19 A. (Reviewing).  
20 Q. It's under the Fifteenth Cause of  
21 Action, which is entitled "Tortious  
22 Interference With A Prospective Business  
23 Relationship Under New York Law," do you see  
24 that?  
25 A. 189?

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1 F. Fiorillo  
2 Q. Yeah. Well, I'm reading the bold  
3 language.  
4 A. Oh. Oh. I'm sorry.  
5 Q. Do you see where I'm referring  
6 to? Are you at page 44?  
7 A. Yes.  
8 Q. Paragraph 189?  
9 A. Yes.  
10 Q. Look up above about four lines,  
11 you see the bold lettering?  
12 A. Okay. I got you.  
13 Q. Okay. Paragraph 189, you say "as  
14 set forth above, Plaintiffs were variously  
15 scheduled to commence new employment at a  
16 number of employers, including without  
17 limitation, the Suffolk County Police  
18 Department, the Suffolk -- the Southampton  
19 Police Department, the Town of Islip, and  
20 the Collier County, Florida Sheriff's  
21 Department," do you see that?  
22 A. Yes.  
23 Q. Sir, were you scheduled, prior to  
24 June 30, 2006, to commence a new -- a new  
25 employment relationship with any entity or

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1 F. Fiorillo  
2 individual?  
3 A. From this list?  
4 Q. From any list?  
5 A. No. But from what you just  
6 stated in 189?  
7 Q. Right. 189 says --  
8 A. Yes. The answer is yes.  
9 Q. "Plaintiffs were scheduled."  
10 A. Yes.  
11 Q. Okay. Who were you scheduled to  
12 start new employment with?  
13 A. The Southampton Police  
14 Department. The Town of Southampton.  
15 Q. When were you advised that you  
16 were to start employment with them?  
17 A. Well, I was scheduled for an  
18 interview.  
19 Q. So you would agree with me that  
20 being scheduled for an interview isn't the  
21 same as being scheduled to commence work,  
22 right?  
23 A. No. But I had a very high chance  
24 of obtaining this position.  
25 Q. Okay. But you would agree --



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1 F. Fiorillo  
2 A. Very likely.  
3 Q. But, sir, you would agree with me  
4 that notwithstanding the likelihood of  
5 anything, an interview isn't the same as a  
6 job offer?  
7 A. I understand that.  
8 Q. Is that -- you agree with me?  
9 A. I agree with you.  
10 Q. Okay. So you did not have any  
11 scheduled start date for the Town of  
12 Southampton Police Department, did you?  
13 A. No.  
14 Q. Okay. So that reference in 189  
15 is not a completely accurate statement, is  
16 it?  
17 MR. GOODSTADT: Objection.  
18 A. Well, it had the potential to be.  
19 Q. But you don't say "potential" in  
20 189. Sir, you say "Plaintiffs were  
21 variously scheduled to commence new  
22 employment," and then you list the  
23 Southampton Police Department, right?  
24 A. Yes.  
25 Q. So you would agree with me that

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1 F. Fiorillo  
2 that's not the most completely accurate  
3 statement?  
4 MR. GOODSTADT: Objection.  
5 Q. I'm not calling you a liar. I'm  
6 just saying it's not the most accurate  
7 statement, you would agree with me?  
8 A. Yes.  
9 Q. Okay. What other employers or  
10 entities or individuals were you scheduled  
11 to commence employment with prior to June  
12 30, 2006?  
13 A. Out of 189?  
14 Q. Well, 189 is your -- just so  
15 we're clear --  
16 A. Just the Town of Southampton had  
17 to do with me.  
18 Q. Okay. Well, let's take it  
19 outside of 189. Other than -- name me --  
20 identify for me the other jobs that you were  
21 scheduled to commence working prior to June  
22 30, 2006.  
23 A. I had a job interview, and it  
24 wasn't only an interview, I spoke to this  
25 person, his name was Tom Dolan, a week prior

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1 F. Fiorillo  
2 to me being fired. He is the owner of a  
3 firm called TMJ I believe it's Protection  
4 Services. I'm not quite sure if it's  
5 Protective or Protection, but it's TMJ. His  
6 name is Tom Dolan. I spoke to him. We went  
7 over what position he had available. He  
8 said he could use me. He said all I had to  
9 do was come in Monday morning at 10:30,  
10 Oct -- April 3, 2006, and the job is mine.  
11 So, to me, that was a very good  
12 opportunity where I had his word that I was  
13 going to commence that particular job. But  
14 when I was fired on April 2, I had to call  
15 him up 10:30 in the morning, um, on April 3  
16 that I didn't have a police ID anymore, and  
17 therefore, I couldn't fulfill that position.  
18 Q. Okay. And what did he say then?  
19 A. He was very -- he felt bad for  
20 me. He had, you know -- he said, you  
21 know -- he just felt bad for me. I don't  
22 know exactly like what he 100 percent said.  
23 He just said he felt bad.  
24 Q. Sir, you would agree with me  
25 given that you were not rehired on April 2,

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1 F. Fiorillo  
2 and you then spoke to this gentleman on  
3 April 3 --  
4 A. Well, I spoke to him a week  
5 before April 3.  
6 Q. But you spoke to him on April 3?  
7 A. I had to.  
8 Q. Right.  
9 A. Because he was expecting me.  
10 Q. Just listen to my question. You  
11 would agree with me that given that April 2  
12 was the date that you were told you were no  
13 longer going to be working for Ocean Beach,  
14 and the next morning on April 3 you called  
15 up this gentleman to tell him that, that the  
16 reason you didn't get that job had nothing  
17 to do with any defamatory statements that  
18 Mr. Hesse made about you after April 2?  
19 A. Not on April 3. Not at that  
20 time.  
21 Q. Right. In fact, to your  
22 knowledge, the only reason you didn't get  
23 that job was because you no longer had the  
24 job at Ocean Beach, right?  
25 A. Yes.



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1 F. Fiorillo  
2 Q. It had nothing to do with any  
3 defamatory or disparaging comments that you  
4 allege that Hesse made about you?  
5 A. Not at that time.  
6 Q. Right. Okay. So what other  
7 job -- I'm sorry, what other employment,  
8 prior to June 30, 2006, did you have  
9 scheduled to start? You mentioned --  
10 A. I didn't have any other jobs to  
11 start.  
12 Q. Okay. How about between June 30,  
13 2006 and the end of 2006, what jobs, if any,  
14 did you have scheduled to start in that time  
15 period?  
16 A. From April 2, 2000 --  
17 Q. No. From June 30, 2006 through  
18 the end of the year.  
19 A. I didn't have any jobs to start I  
20 don't believe.  
21 Q. Okay. Let's then go back to the  
22 Southampton, um, interview. When did you  
23 have an interview scheduled with  
24 Southampton?  
25 A. I believe it was May 11 of 2006.

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1 F. Fiorillo  
2 Q. Okay.  
3 A. And at 2:30 in the afternoon.  
4 Q. When did you schedule that  
5 interview?  
6 A. On -- it was earlier in the  
7 week. Maybe -- maybe the eighth or the  
8 ninth or maybe it was -- it was earlier in  
9 the week. With -- within a week time period  
10 I would say.  
11 Q. Okay. So at some point in time  
12 in the beginning of May, you scheduled an  
13 interview with someone at the Town of  
14 Southampton --  
15 A. Correct.  
16 Q. -- Police Department concerning a  
17 potential job there?  
18 A. Correct.  
19 Q. What was the position in which  
20 you were interviewing for?  
21 A. Police officer.  
22 Q. Full time or part time?  
23 A. Part time.  
24 Q. Okay. Now, when did you start  
25 the application process for that job?

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1 F. Fiorillo  
2 A. Let's see. After I was fired.  
3 Q. Okay. How did you go about  
4 starting the application process?  
5 A. I called my friend Jane Harrigan  
6 and -- because she was in my academy class,  
7 and she was working as a police officer in  
8 Southampton Town.  
9 Q. Okay.  
10 A. So I asked Jane, I said, "Are  
11 there any openings coming up because" -- I  
12 explained my situation, and she said,  
13 "Sure." She goes, "I'll just let them know,  
14 you know, you were in my class and how you  
15 are and we'll get you scheduled," and you  
16 know -- she basically told me they'll hire  
17 you.  
18 Q. Okay. And --  
19 A. Through her reference.  
20 Q. Through her reference. Was she a  
21 full time or part time?  
22 A. At that time, full time.  
23 Q. Okay. So you scheduled an  
24 interview. Who were you going to interview  
25 with?

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1 F. Fiorillo  
2 A. Scott Foster. Sergeant Scott  
3 Foster.  
4 Q. Did you ever have an interview  
5 with him?  
6 A. No, I did not.  
7 Q. And who canceled the interview?  
8 A. He did.  
9 Q. And how did you learn that he  
10 canceled the interview?  
11 A. He called me up on --  
12 Q. Well, just tell me how you  
13 learned.  
14 A. Okay. He called me up.  
15 Q. Okay. And he said that the  
16 interview was canceled? Well, what did he  
17 say?  
18 A. He didn't say that exactly.  
19 Q. Tell me what he said.  
20 A. He said this. He said that he  
21 just spoke to a Sergeant Hesse over at Ocean  
22 Beach Police Department.  
23 Q. Um-hum.  
24 A. And he was getting a reference on  
25 me, and Sergeant Hesse gave me a bad

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1 F. Fiorillo  
2 reference. He said that I was involved --  
3 Hesse said that I was involved in an  
4 incident at Ocean Beach and that -- he  
5 stated to me that -- oh, what happened was  
6 I said, "Well, what incident did he say that  
7 I was involved in?" He said, "You should  
8 know the incident that you were involved in.  
9 I don't have to tell you." So I said,  
10 "Well, I'm just trying to find out, sir."  
11 He said, "Listen, you picked the wrong  
12 department." And I couldn't even talk. He  
13 hung up the phone. That was the end of  
14 the -- the, um, conversation. That's  
15 exactly how it happened.  
16 Q. So you don't know, as you sit  
17 here today, what specifically Mr. Hesse said  
18 to this Mr. Foster?  
19 A. I have no idea.  
20 Q. Okay. And did you ever inquire  
21 with George Hesse as to what he said to  
22 Mr. Foster?  
23 A. You expect me to --  
24 Q. I'm just asking you, sir.  
25 A. I wasn't going to call George

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1 F. Fiorillo  
2 Hesse after that.  
3 Q. Okay.  
4 A. He fired me on April 2. I'm  
5 going to call -- he didn't even give me a  
6 letter of recommendation.  
7 Q. Did you ask Mr. Hesse for a  
8 letter of recommendation?  
9 A. That's the least he could have  
10 did.  
11 Q. Did you ask Mr. Hesse for one?  
12 A. I asked him for one at the table  
13 when he fired me.  
14 Q. And what did he say to you?  
15 A. He said, "We'll get that off to  
16 you."  
17 Q. Okay. Did you expect Mr. Hesse  
18 to be -- to give you a good recommendation?  
19 A. Why not? I was a good police  
20 officer.  
21 Q. Did he like you?  
22 A. You'd have to ask him.  
23 Q. Well, you worked with him, sir.  
24 Do you have an opinion as to whether  
25 Mr. Hesse liked you?

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1 F. Fiorillo  
2 A. I think that he was -- I wasn't  
3 part of his clique, and he disliked me  
4 because I listened to the chief.  
5 Q. When you say you listened to the  
6 chief, what are you talking about?  
7 A. Well, the chief wanted me to  
8 write summonses. George Hesse didn't want  
9 me to write summonses. They were -- they  
10 had a love/hate relationship between George  
11 Hesse and the chief, and it was reflected  
12 upon me because the chief -- my order was  
13 to go out and write summonses because the  
14 Village, the board was getting on the  
15 chief's case that the department wasn't  
16 writing enough summonses and a lot of the  
17 residents were getting upset because the  
18 officers were in the Village on Main Street,  
19 just disregarding the violations that were  
20 occurring in front of them and nothing was  
21 being done.  
22 Q. So George Hesse had asked you to  
23 write more summonses?  
24 A. No.  
25 Q. Less summonses?

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1 F. Fiorillo  
2 A. Less.  
3 Q. And you didn't follow his order,  
4 you followed Paridiso's order to write more?  
5 A. Naturally.  
6 Q. All right.  
7 A. Sure.  
8 Q. Not a question. I'm just trying  
9 to get the facts out, sir.  
10 A. Yeah. Because what happened  
11 is --  
12 Q. No. That's -- that's fine. You  
13 established it. Hesse wanted you to write  
14 less?  
15 A. Correct.  
16 Q. Paridiso wanted you to write  
17 more. You listened to Paridiso and not  
18 Hesse?  
19 A. Correct.  
20 Q. And you said "naturally." Why  
21 "naturally"?  
22 A. Because the chief -- you  
23 don't -- okay. When you -- when you go  
24 through a police academy, you learn that the  
25 highest ranking officer gives -- when the

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1 F. Fiorillo  
2 highest ranking officer gives an order,  
3 somebody under him cannot say, "don't do  
4 that, do this." Absolutely not. Doesn't go  
5 like that in the police department.  
6 Q. And in your opinion, Paradiso was  
7 the highest ranking officer?  
8 A. According to the chart in Ocean  
9 Beach.  
10 Q. Okay. Any other reasons --  
11 okay. So -- so my question to you then, if  
12 Hesse disliked you, why did you think that  
13 he would give you a recommendation?  
14 A. Well, that's the least he could  
15 have did, if he was going to get rid of us,  
16 right? Firing us -- first of all, it was  
17 all retaliation, in my opinion, because he  
18 sent a letter to us, all right, and he had  
19 us under the assumption that we were all  
20 getting new IDs. I had no idea I was going  
21 to be fired. I didn't -- I couldn't prepare  
22 my life prior to that, you know, that day to  
23 do something else if I had a chance. In  
24 other words, from March 11 to April 2, I was  
25 getting new ID. April 2 I'm fired.

1 F. Fiorillo  
2 A. I'm not there. I'm fired.  
3 Q. Okay. Now this Jane Harrigan --  
4 A. Yes.  
5 Q. Is this the same person that you  
6 mentioned earlier that you had complained  
7 to?  
8 A. Yes.  
9 Q. Did you ever inquire with her as  
10 to perhaps looking into what Hesse said to  
11 this guy Foster?  
12 A. I did.  
13 Q. You did, and what did Harrigan  
14 say to you? Well, what did you say to  
15 Harrigan?  
16 A. I asked Jane, I said, "Jane, can  
17 you find out like what happened, because I  
18 really -- I don't know what's going on." I  
19 mean, the phone call was so abrupt. And I  
20 was polite. I didn't know like what I did  
21 wrong. I was -- I was mortified by just  
22 like what was happening. Everything was  
23 falling apart in my life, okay? You know,  
24 like little by little. And it was like  
25 unjustified, in my opinion.

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1 F. Fiorillo  
2 MO MR. NOVIKOFF: But motion to  
3 strike, sir. You didn't answer my  
4 question.  
5 Q. Why would you think that if Hesse  
6 disliked you, that he would have given you a  
7 recommendation saying that you were a good  
8 police officer?  
9 MR. GOODSTADT: Objection.  
10 A. Well, I just couldn't -- I didn't  
11 understand the guy. I mean, why -- why  
12 would he fire us and then keep on sticking  
13 it to us?  
14 Q. I understand that.  
15 A. I mean, that's -- that's like --  
16 Q. But why did you think that --  
17 A. So unethical. So --  
18 Q. Why did you think Hesse would  
19 have given you a good recommendation, given  
20 the fact that, as you say, he fired you?  
21 MR. GOODSTADT: Objection.  
22 Q. For no reason, according to you?  
23 MR. GOODSTADT: Objection.  
24 A. Well, I'm sure he had a reason.  
25 Q. Okay.

1 F. Fiorillo  
2 Q. Well, what else was falling apart  
3 in your life, sir? You worked for Ocean  
4 Beach -- you said you worked for Ocean Beach  
5 as a part-time employee. You no longer  
6 worked for them. You gave up a --  
7 A. Yeah. But I had a job offering  
8 the day after. That fell apart. In other  
9 words, piece by piece.  
10 Q. Yeah. What other pieces? I'm  
11 trying to figure this out.  
12 A. Well, I couldn't -- I applied  
13 with other police departments.  
14 Q. Okay. Well, let's stick with  
15 Southampton for a while. What did Jane  
16 Harrigan say to you?  
17 A. Jane Harrigan said that she  
18 didn't work on the same tour as Scott  
19 Foster, so they didn't -- I don't know.  
20 They didn't, um, interact.  
21 Q. So she couldn't help you out?  
22 A. Well, I didn't ask her to help me  
23 out. I just --  
24 Q. What did you ask her to do?  
25 A. To find out like -- help me out.

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1 F. Fiorillo  
2 Yeah.  
3 Q. So she couldn't help you out  
4 because she didn't really work with the guy?  
5 A. Exactly.  
6 Q. Okay. And how -- did you advise  
7 Foster before that phone call where he hung  
8 up on you that you had worked for Ocean  
9 Beach?  
10 A. I sent him my paperwork.  
11 Q. Okay. So he was aware that you  
12 had worked for Ocean Beach?  
13 A. Oh yeah.  
14 Q. And is it your understanding that  
15 he was reaching out to George Hesse to get a  
16 recommendation about you as part of the  
17 interviewing process?  
18 A. I don't know what he was doing,  
19 you know. I assume.  
20 Q. Did you ever tell Hesse that you  
21 were interviewing with the Town of  
22 Southampton?  
23 A. I was fired.  
24 Q. Did you -- that's my question to  
25 you. Did you ever tell Hesse that you were

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1 F. Fiorillo  
2 interviewing with the Town of Southampton?  
3 A. Why would I tell him that?  
4 Q. Sir, stranger things -- stranger  
5 things have occurred.  
6 A. Okay. No.  
7 Q. You didn't tell Hesse, right?  
8 A. No.  
9 Q. Did you tell Paridiso?  
10 A. No.  
11 Q. Why didn't you give Paridiso down  
12 on your paperwork as a reference?  
13 A. I didn't give anybody down as a  
14 reference.  
15 Q. Oh, you just gave Ocean Beach?  
16 A. They called the Ocean Beach  
17 Police Department.  
18 Q. Got it. Okay. Now what other  
19 jobs in the law enforcement field did you  
20 apply for in the first six months of 2006,  
21 other than Town of Southampton?  
22 A. Um, after I was fired? Because  
23 that's when I applied.  
24 Q. Fine. After you were fired. In  
25 fact, you know what, I'll withdraw the

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1 F. Fiorillo  
2 question. You said that you exhausted your  
3 search for a new job?  
4 A. Exactly. As far as a police  
5 officer.  
6 Q. That's right. I understand that.  
7 What happen -- what police departments or  
8 similar law enforcement agencies did you  
9 apply for in 2006 after you were fired?  
10 A. Okay. I applied -- Quogue sent  
11 me a letter stating what they wanted. I  
12 sent them back all the information that they  
13 wanted. There was an opening in Quogue. I  
14 applied there. Riverhead, I filed a Suffolk  
15 County Civil Service form because that's  
16 what they required, so I did that, and I did  
17 that with Joe Nofi also. We did that  
18 together. As a matter of fact, we did that  
19 the day that we were fired --  
20 Q. Okay.  
21 A. -- on April 2.  
22 Q. Okay.  
23 A. So we did that. And Joe  
24 actually --  
25 Q. I don't want to know about Joe.

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1 F. Fiorillo  
2 A. Okay. Okay.  
3 Q. I had the pleasure of speaking  
4 with Joe.  
5 A. Okay. So. So --  
6 Q. I got Quogue. I got Riverhead.  
7 What else?  
8 A. Northport Village. Chief  
9 Bruckenthal.  
10 Q. Okay.  
11 A. Huntington Bay, Chief Hubbs.  
12 Chief Hegermiller in Riverhead you got.  
13 Q. Right. So I got Quogue,  
14 Riverhead, Northport Village, Huntington  
15 Bay. What else?  
16 A. I called other police departments  
17 to see if they were hiring. I called  
18 Asharoken and I called Head of the Harbor.  
19 Q. Hold on. Asharoken?  
20 A. Head of the Harbor. Lloyd  
21 Harbor. I called Amityville, but you had to  
22 be a resident, so I couldn't do anything  
23 there. I called Southampton Village.  
24 Q. Okay.  
25 A. I called Westhampton Beach.

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1 F. Fiorillo  
2 Q. Okay.  
3 A. Um, that's -- that's pretty  
4 close.  
5 Q. So let me just distinguish  
6 between the categories of police  
7 departments. You submitted some type of  
8 information to Quogue, Riverhead, Northport  
9 Village and Huntington Bay?  
10 A. Only those.  
11 Q. Right. You called to inquire if  
12 there were any openings at Asharoken, Head  
13 of the Harbor, Lloyd Harbor, Amityville,  
14 Southampton Village and Westhampton Beach?  
15 A. Yeah. There could be a couple  
16 others, but I'm not -- that's what I can  
17 recall right now.  
18 Q. Couple of others that you called?  
19 A. Correct.  
20 Q. Okay. Now when you called  
21 Asharoken, did they tell you there was an  
22 opening?  
23 A. Asharoken, no. See, that's why  
24 the ones that I called --  
25 Q. That's your --

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1 F. Fiorillo  
2 A. -- that I didn't send any  
3 paperwork, weren't hiring.  
4 Q. Well, let's just go through the  
5 list. Head of the Harbor, were they hiring?  
6 A. According to what they told me,  
7 no.  
8 Q. That's fine. Lloyd Harbor?  
9 A. According to what they told me,  
10 no.  
11 Q. Amityville?  
12 A. According to what they told me,  
13 you had to be a resident.  
14 Q. And you weren't?  
15 A. No.  
16 Q. Southampton Village, were they  
17 hiring?  
18 A. No.  
19 Q. Westhampton Beach?  
20 A. No.  
21 Q. Okay. And they told you they  
22 weren't hiring during the phone call that  
23 you reached out to them for?  
24 A. Correct.  
25 Q. Okay. So the only communication

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1 F. Fiorillo  
2 you had with any of these villages was your  
3 phone call?  
4 A. That's right.  
5 Q. Okay. Quogue, what did you  
6 submit to them?  
7 A. I think I submitted my police  
8 academy certificate and my state MPTC  
9 certificate.  
10 Q. Ever have an interview with them?  
11 A. No.  
12 Q. Riverhead, what did you submit to  
13 them?  
14 A. I submitted the, um, the Suffolk  
15 County Civil Service form that comes out of  
16 Ms. Zwilling's office.  
17 MS. ZWILLING: Not out of my  
18 office.  
19 A. Well, the Suffolk County Civil  
20 Service Department. I'm sorry. I'm sorry  
21 about that.  
22 Q. Okay. Anything else?  
23 A. Um, to Riverhead?  
24 Q. Yeah.  
25 A. I think that was it. That's what

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1 F. Fiorillo  
2 they required.  
3 Q. Ever have an interview with them?  
4 A. No.  
5 Q. Northport Village, what did you  
6 submit?  
7 A. I submitted my -- my academy  
8 certificate and my MPTC I believe and -- I  
9 don't recall. I think -- they didn't send  
10 me an application, because I just faxed them  
11 that stuff. Or maybe a copy of my driver's  
12 license.  
13 Q. Did you ever -- did you ever have  
14 an interview with Northport Village?  
15 A. No.  
16 Q. Huntington Bay, did you ever have  
17 an interview with them?  
18 A. No.  
19 Q. What did you submit to them?  
20 A. Um, my academy certificate and my  
21 MPTC, because Chief Hubbs gave me the  
22 address, I mailed it to his department and  
23 never heard back from him.  
24 Q. Did Quogue indicate that there  
25 were openings or did they just say "send me



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1 F. Fiorillo  
2 your information?"  
3 A. They indicated there were  
4 openings.  
5 Q. How about Riverhead?  
6 A. Yes.  
7 Q. How about Northport Village?  
8 A. Yes.  
9 Q. How about Huntington Bay?  
10 A. Possibly. Chief Hubbs was like,  
11 "We might hire somebody. You know, if you  
12 send me your stuff, I'll look at it."  
13 Q. Do you know if Quogue ever hired  
14 anyone in that time period for the job that  
15 you were looking for?  
16 A. I don't know.  
17 Q. How about Riverhead?  
18 A. I don't know.  
19 Q. How about Northport Village?  
20 A. I don't know.  
21 Q. Did anyone at Quogue speak to you  
22 about anything that George Hesse said to  
23 them? Well, withdrawn. In any  
24 communication with Quogue, did they advise  
25 you that someone spoke to George Hesse about

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1 F. Fiorillo  
2 you?  
3 A. No.  
4 Q. In any communication involving  
5 Riverhead, did anyone say that they spoke to  
6 George Hesse about you?  
7 A. No.  
8 Q. In any communication with  
9 Northport Village, did anyone say that they  
10 spoke to George Hesse about you?  
11 A. No. They never got back to me.  
12 Q. Fine. That's what I'm asking.  
13 So other than after you submitted the  
14 paperwork, neither Quogue, Riverhead or  
15 Northport Village got back to you?  
16 A. No. There was -- Riverhead was  
17 the best chance of getting hired at the  
18 time, and I spoke to the secretary of the  
19 chief, her name was Mary, and I must have  
20 called her numerous, numerous times. She  
21 never called me back. I left messages  
22 numerous times. She never called me back.  
23 Q. But you have no basis, as you sit  
24 here today, to -- to conclude that George  
25 Hesse had called Northport Village?

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1 F. Fiorillo  
2 A. No. I just think that the stigma  
3 around Ocean Beach was well known in the  
4 police community, and ultimately affected me  
5 as a candidate -- a potential employee.  
6 Q. The stigma around Ocean Beach,  
7 right?  
8 A. Yes.  
9 Q. Not anything that George Hesse  
10 particularly said to you?  
11 A. Well, he was part of it.  
12 Q. But I'm talking about not  
13 anything that George Hesse said to any of  
14 these employees about you?  
15 A. I don't know.  
16 Q. You have no knowledge one way or  
17 the other of what George Hesse said?  
18 A. No.  
19 Q. Right. And you don't have any  
20 knowledge that George Hesse was even aware  
21 that you applied to Quogue, Riverhead or  
22 Northport Village, right?  
23 A. No.  
24 THE VIDEOGRAPHER: This ends  
25 tape number four. The time is 3:33

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1 F. Fiorillo  
2 p.m. Going off the record.  
3 (A break was taken.)  
4 THE VIDEOGRAPHER: This begins  
5 tape number five. The time is 3:48  
6 p.m. Back on the record.  
7 Q. Mr. Fiorillo, would you  
8 characterize, um, your desire to work in  
9 Quogue for the Quogue Police Department as a  
10 pending employment?  
11 MR. GOODSTADT: Objection.  
12 Q. Well, I'll be specific.  
13 Paragraph 190 you allege that "Defendant  
14 Hesse had knowledge of Plaintiffs' pending  
15 employment and/or business relationship with  
16 these employees -- employers," do you see  
17 that?  
18 A. He did at Quogue.  
19 Q. I'm saying, did Mr. Hesse know  
20 that you submitted paperwork to Quogue?  
21 A. He might have found out because  
22 he had --  
23 Q. Sir, I'm not interested in what  
24 he might have found out.  
25 A. Okay. I don't know.



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1 F. Fiorillo  
2 Q. Okay. Did you advise Mr. Hesse  
3 that you were submitting an application or  
4 paperwork to Quogue?  
5 A. This is after I was fired.  
6 Q. Yeah. After you were fired, did  
7 you advise Mr. Hesse?  
8 A. Well --  
9 Q. Yes or no? I know it's unlikely  
10 that someone that was fired would tell their  
11 supervisor that they're seeking another job.  
12 I get that. But my question to you is, did  
13 you advise Mr. Hesse that you wanted to seek  
14 a job with Quogue?  
15 A. After what he did with me in  
16 Southampton Town, I wasn't going to advise  
17 him or call him, because look what happened.  
18 I mean, I got -- I got --  
19 MO MR. NOVIKOFF: Move to strike.  
20 I'm just going to -- it's a simple yes  
21 or no, sir.  
22 Q. Did you ever advise Hesse that  
23 you were interested in a position with  
24 Quogue?  
25 A. No.

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1 F. Fiorillo  
2 Q. Did you ever advise Hesse that  
3 you were interested in a position in  
4 Riverhead?  
5 A. No.  
6 Q. Did you ever advise Hesse that  
7 you were interested in a position with  
8 Northport Village?  
9 A. No.  
10 Q. Did you ever advise Hesse that  
11 you were interested in a position with  
12 Huntington Bay?  
13 A. No.  
14 Q. So you would agree with me that  
15 at least as to those four departments, the  
16 allegation in paragraph 90 where it's  
17 alleged that Hesse had knowledge of  
18 Plaintiffs' pending employment, is not  
19 accurate?  
20 MR. GOODSTADT: Objection.  
21 A. I don't know if he had knowledge  
22 of my pending employment.  
23 Q. Well, you didn't write "upon  
24 information and belief," did you? This  
25 is -- this is -- did you?

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1 F. Fiorillo  
2 A. Well, I'm not a lawyer. I  
3 don't --  
4 Q. This is a pretty declar -- this  
5 is a pretty straight forward statement,  
6 wouldn't you agree? Sir, you said  
7 "Defendant Hesse had knowledge of  
8 Plaintiffs' pending employment." You didn't  
9 say I think he had knowledge. You didn't  
10 say maybe he had knowledge. You allege that  
11 Hesse had knowledge of Plaintiffs' pending  
12 employment.  
13 A. Yeah, but it goes a little  
14 further. He had business relationships with  
15 these employers.  
16 Q. No. This is not his  
17 relationships, these are your relationships.  
18 This is what you allege. And I want to get  
19 this clear, because it's important.  
20 Paragraph 190, "Defendant Hesse had  
21 knowledge of Plaintiffs' pending employment  
22 and/or business relationship with these  
23 employers," do you see that?  
24 A. Well, he did with Southampton  
25 Town.

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1 F. Fiorillo  
2 Q. I'm not talking about Southampton  
3 Town.  
4 A. Oh, okay.  
5 Q. I'm talking about Quogue,  
6 Riverhead, Northport Village and Huntington  
7 Bay?  
8 A. Not my knowledge.  
9 Q. So as to those four entities,  
10 this allegation isn't completely accurate?  
11 MR. GOODSTADT: Objection.  
12 Q. Correct?  
13 MR. GOODSTADT: Objection.  
14 Q. And I'll get to Southampton in a  
15 second.  
16 MR. GOODSTADT: Let me -- he  
17 testified he doesn't know if it's  
18 accurate.  
19 Q. Is that your testimony, you don't  
20 know if it's accurate? I'll take that if  
21 that's going to be your answer.  
22 A. I'm trying -- like I really don't  
23 know.  
24 Q. That's fine. And the only basis  
25 that you are aware that Hesse knew about

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1 F. Fiorillo  
2 your potential interest in the Town of  
3 Southampton is because of what this  
4 Mr. Foster said to you?  
5 A. Right.  
6 Q. Right. Okay. When you go on in  
7 paragraph 191 to say "Defendant Hesse  
8 intentionally and maliciously interfered  
9 with these pending employment and/or  
10 business relationships through fraudulent,  
11 deceitful and/or illegal means," that's not  
12 accurate with regard to Quogue, right?  
13 A. Correct.  
14 Q. That's not accurate with regard  
15 to Riverhead, correct?  
16 MR. GOODSTADT: Objection.  
17 A. Well, you know, I really -- to  
18 be honest with you, like the last answer, I  
19 don't know.  
20 Q. What evidence can you point me to  
21 right now that -- that would show, in your  
22 opinion, that Hesse interfered with anything  
23 involving Quogue?  
24 A. Well, there's a history with  
25 Hesse and Quogue. That's why I don't know.

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1 F. Fiorillo  
2 And I can explain further if you -- if you  
3 want.  
4 Q. Other than a history, is there  
5 any evidence that you can point to that  
6 you've seen in this case that would point to  
7 Hesse interfering with you with Quogue?  
8 A. Not that I recall.  
9 Q. Right. And you're only  
10 speculating that given Hesse's history as  
11 you say with Quogue, he may have interfered  
12 in your application?  
13 A. Quite possibly.  
14 Q. It's a speculation, right?  
15 MR. GOODSTADT: Objection.  
16 A. It's a good possibility.  
17 Q. Isn't a good possibility a  
18 speculation?  
19 MR. GOODSTADT: Objection.  
20 A. Speculation is a little less than  
21 a good possibility.  
22 Q. Well, what's a good -- you know  
23 what, tell me, tell the jury, what's a good  
24 possibility that Hesse interfered with your  
25 application with Quogue, sir?

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1 F. Fiorillo  
2 A. Well, Hesse had -- what happened  
3 was in the department, Hesse, for some  
4 reason, took over from the Suffolk County  
5 Department of Civil Service to do background  
6 investigations, and what he did was he  
7 contacted Quogue and got all the information  
8 from Quogue and all the paperwork that  
9 Quogue had, because one of his buddies works  
10 in Quogue as a police officer.  
11 Q. Okay.  
12 A. So that's my belief that Hesse  
13 dealing with Quogue and getting the  
14 information, you know, for all his  
15 background investigation paperwork, because  
16 he became -- he became the chief of the  
17 applicant investigation section in Ocean  
18 Beach at a certain point in time. But  
19 with -- but that paperwork came from Quogue.  
20 That was the paperwork that he used to  
21 conduct background investigations.  
22 Q. So that's the history that you  
23 were referring to?  
24 A. Well, his dealing --  
25 Q. You said that Hesse had a

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1 F. Fiorillo  
2 history. Is that what you're referring to  
3 when you say "history"?  
4 A. Well, he had a connection.  
5 Q. Right. That was a history, that  
6 he took over some investigation for Ocean  
7 Beach, called up Quogue to get their  
8 paperwork and is using Quogue paperwork, is  
9 that the history?  
10 A. Well, he called up the police  
11 officer that he knows in Quogue and they  
12 forwarded him the paperwork in order to --  
13 Q. And who was the police officer  
14 that he knows in Quogue?  
15 A. I don't know.  
16 Q. Oh. Okay.  
17 A. But I do know that that's where  
18 it came from and he does have ties in  
19 Quogue.  
20 Q. Okay. Ties with just one police  
21 officer that you're aware of? That you're  
22 aware of, sir?  
23 A. At least one.  
24 Q. Okay. And it's based upon that  
25 that you think that there is a good

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1 F. Fiorillo  
2 possibility that Hesse interfered in your  
3 desire to work for the Quogue Police  
4 Department?  
5 A. Good possibility.  
6 Q. Okay. Northport Village, 191 is  
7 not accurate with regard to Northport  
8 Village, is it?  
9 MR. GOODSTADT: Objection.  
10 A. I don't know.  
11 Q. Okay. Huntington Bay, it's not  
12 accurate either, is it?  
13 MR. GOODSTADT: Objection.  
14 A. I don't know.  
15 Q. You don't know? Well, given the  
16 fact that you don't know what Hesse told  
17 Mr. Foster, if anything, with regard to Town  
18 of Southampton, you have no evidence that  
19 you can point me to that said that Hesse  
20 acted deceitfully in any information that he  
21 gave to Mr. Foster, can you?  
22 A. I don't know.  
23 Q. Okay. Same question with regard  
24 to illegal means? You don't know, right?  
25 A. He could have.

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1 F. Fiorillo  
2 Q. But you don't know, right?  
3 A. It's possible.  
4 Q. But you don't know?  
5 A. It's possible. And I don't know  
6 if, you know.  
7 Q. Right. Now let's talk about  
8 19 -- I'm sorry, 2007. What police  
9 department jobs did you apply for, if any,  
10 in 2007 or law enforcement related jobs?  
11 A. In 2007?  
12 Q. Yeah. We've talked about 2006.  
13 Talk to me about 2007 now.  
14 A. I don't -- I don't even remember.  
15 It might have been -- in 2007, I called up  
16 Collier County Sheriff's -- Sheriff's  
17 Office.  
18 Q. Okay. Well, are you aware that  
19 Mr. Nofi also applied for Collier County?  
20 A. Well, what happened was when I  
21 called --  
22 Q. I'm just asking, are you aware  
23 that Mr. Nofi applied --  
24 A. Yes. Very aware. Because he's  
25 the one that told me there were openings in

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1 F. Fiorillo  
2 Collier County.  
3 Q. And did you submit the same type  
4 of paperwork for Collier County that  
5 Mr. Nofi did?  
6 A. I didn't -- what happened was --  
7 do you want me to explain?  
8 Q. Sure.  
9 A. The answer is "no" to your  
10 question with an explanation the reason why.  
11 Q. Okay. What's the reason why?  
12 A. Okay. When I called up the  
13 investigator, his name was Mr. Donahoe, he  
14 told me that, um, Joe Nofi applied and --  
15 let me get this the way -- the timeline.  
16 Joe applied -- okay. This is what happened.  
17 Joy applied with Collier County. I then  
18 requested paperwork for the same department.  
19 Q. Okay.  
20 A. He sent me the paperwork, and in  
21 the time period from when Joe -- Joe  
22 actually went to Florida. He passed all,  
23 you know, his background, except for when he  
24 came back, they went for a reference and  
25 they contacted Hesse, and Hesse apparently

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1 F. Fiorillo  
2 gave him a bad reference, and Donahoe  
3 stopped the application process. So what I  
4 did was --  
5 Q. Who told you this, that Hesse  
6 gave a bad reference?  
7 A. Joe.  
8 Q. Oh, okay.  
9 A. Joe -- Joe told me --  
10 Q. Fine.  
11 A. -- exactly what happened.  
12 Q. According to Joe?  
13 A. Well, Joe didn't lie. Joe didn't  
14 lie.  
15 Q. Oh, Joe's never lied to you?  
16 A. No. Joe --  
17 Q. No?  
18 A. Joe told me exactly what  
19 happened.  
20 Q. So it's your testimony that  
21 everything that Joe has said or alleged in  
22 this case is the absolute truth?  
23 A. I don't know what he said.  
24 Q. Okay. So continue. So Joe told  
25 you that Hesse gave him a bad reference?

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1 F. Fiorillo

2 A. Right. Because he got some

3 paperwork back that Hesse apparently

4 signed -- I don't know. You know, I'm just

5 giving you what I got.

6 Q. You tell me what Nofi told you.

7 I got it.

8 A. Right. So with that, I wasn't

9 going to go through the same process and

10 then get -- go through all the expense of

11 going to Florida, going through the process

12 and coming back and him calling Hesse and

13 Hesse saying whatever, and then me not

14 getting that opportunity.

15 Q. Okay.

16 A. So I didn't apply.

17 Q. Okay. So --

18 A. Based on what happened to Joe.

19 Q. Yeah. So let me just understand

20 this, if I'm clear. You reached out to

21 Collier County for an application?

22 A. Correct.

23 Q. Before you ever actually applied,

24 Nofi said to you what he believes Hesse did

25 to him with regard to Collier County, and

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1 F. Fiorillo

2 because of that, you didn't want to waste

3 your time to seek it out -- to seek a job

4 there, because you were concerned that Hesse

5 would do the same thing to you that he did

6 to Nofi?

7 A. Good possibility.

8 Q. Okay.

9 A. I mean, that was pretty

10 reasonable on -- I think. I don't know.

11 Q. Sure.

12 A. I think so.

13 Q. Okay. Other than Collier County,

14 did you contact any other law enforcement

15 agency in 2007 for a job?

16 A. No. Because at that point in

17 time, it just became apparent that every

18 police department that I would apply for

19 would have to go through Ocean Beach, and

20 ultimately, talk to Hesse.

21 Q. Why not Paridiso?

22 A. Because Paridiso wasn't the chief

23 in Ocean Beach.

24 Q. Yeah. But didn't you get a

25 letter of recommendation from Paridiso?

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1 F. Fiorillo

2 A. Did I get a letter of --

3 Q. In 2006?

4 A. I didn't get a letter of

5 recommendation from Paridiso.

6 Q. No? You never got a letter? You

7 never put down in any application after you

8 were fired that Chief Paridiso was a

9 reference?

10 A. I got a reference letter. I

11 got --

12 Q. Oh, so you have -- you think

13 there's a difference between a reference

14 letter and a letter of recommendation?

15 A. I'm trying to -- I'm trying to

16 think about that letter. I don't -- I'm

17 trying to remember that letter.

18 Q. Let's --

19 A. But --

20 Q. Sir, let's get this clear. I've

21 pre-marked this exhibit Fiorillo-8. Can you

22 just do your magic.

23 (Letter dated September 16, 2006

24 from Edward T. Paridiso was marked as

25 Fiorillo Exhibit-8 for identification;

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1 F. Fiorillo

2 2/20/09, E.L.)

3 Q. This is a letter purportedly from

4 Chief Paridiso to a "dear sir or madam"

5 dated September 16, 2006, do you see that?

6 A. Yes.

7 Q. And it appears that it went from

8 Mr. -- it was delivered from Mr. Paridiso to

9 you, do you see that?

10 A. Okay. I remember this.

11 Q. You recall getting this?

12 A. Yes.

13 Q. And this is a letter -- September

14 16, 2006, right?

15 A. Now I remember it.

16 Q. Mr. Paridiso's identifying

17 himself as chief of police, right?

18 A. Yes.

19 Q. To your knowledge, was he lying

20 at the time when he identified himself as

21 chief of police?

22 A. Not to my knowledge.

23 Q. And, in fact, Mr. Paridiso sent

24 you this letter at your request, right?

25 A. Yes.

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1 F. Fiorillo  
2 Q. And when did you request  
3 Mr. Paradiso send you a letter of  
4 recommendation?  
5 A. What I had to do in --  
6 Q. When, sir?  
7 A. When?  
8 Q. Yeah.  
9 A. Prior to September 16, 2006.  
10 Q. In relation to April 2, when?  
11 A. After April 2.  
12 Q. How far after April 2? Weeks?  
13 Months?  
14 A. Probably pretty close to  
15 September 16.  
16 Q. So -- and you had asked  
17 Mr. Paradiso to send you this letter with  
18 the intent that once you received it, you  
19 would send it out to potential employers,  
20 correct?  
21 A. Incorrect. That's not true.  
22 Q. Oh really? Then what was the  
23 need for you to get this letter, if you  
24 weren't going to send it out to potential  
25 employers?

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1 F. Fiorillo  
2 A. I'm trying to think about this  
3 letter. Let me just -- give me a little  
4 time.  
5 Q. Take as much time as you want,  
6 sir.  
7 A. This had to do with not a job  
8 application. What I had to do was I had to  
9 apply for an armed guard's license in  
10 Albany, and they didn't -- they needed a  
11 letter from the chief of police to verify my  
12 employment. That's what this letter is  
13 about. I remember. I couldn't get an armed  
14 guard's license because I wasn't -- I needed  
15 a reference -- that's what I needed. I  
16 needed a reference letter from the chief of  
17 police.  
18 Q. And is it your opinion that you  
19 could not have sent this letter out to any  
20 future potential employers that you were  
21 seeking a job from?  
22 MR. GOODSTADT: Objection.  
23 A. Well, look -- look --  
24 Q. Really? Look where? Tell me.  
25 And I'll read this letter into the record.

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1 F. Fiorillo  
2 "Plead accept this letter as verification of  
3 past employment of Frank Fiorillo as a  
4 seasonal/part time police officer with the  
5 Ocean Beach Police Department. Mr. Fiorillo  
6 entered the Suffolk County Police Academy in  
7 October 2001 and graduated in May 2002. He  
8 began regular patrol with the department on  
9 May 28, 2002." And this is where it get --  
10 it gets goods for you. "He performed all of  
11 the typical duties and functions of a police  
12 officer. Mr. Fiorillo always made himself  
13 available for additional hours. Working  
14 weekends or on holidays was never an issue.  
15 His attendance and deportment were qualities  
16 the department could always depend on.  
17 Mr. Fiorillo's employment ended on April 2,  
18 2006 due to budget reductions. If you need  
19 additional information, please call me at  
20 631-581-1816." What was bad about that?  
21 MR. GOODSTADT: Objection.  
22 Q. That's a glowing recommendation,  
23 don't you think?  
24 MR. GOODSTADT: Objection.  
25 Q. Would you agree with me that

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1 F. Fiorillo  
2 that's a good recommendation, yes or no?  
3 A. I would agree with you on that  
4 part.  
5 Q. And wouldn't you agree with me,  
6 sir, that had you wanted to, this is  
7 something that you could have sent to a  
8 potential employer to say that "hey, look at  
9 me, I'm a good cop and I have a chief of  
10 police of a Suffolk County municipality  
11 saying so"?  
12 MR. GOODSTADT: Objection.  
13 A. But based on what happened  
14 with -- with myself in Southampton Town and  
15 Joe in Collier County and Kevin with Suffolk  
16 County and Tommy and Eddie in the Town of  
17 Islip, I felt that once -- if they did get a  
18 letter like this, okay, they still have to  
19 go back to Ocean Beach and find out was it  
20 really due to budget reductions. You know,  
21 what was the problem. What -- what was it.  
22 Q. So what your testimony is, is  
23 that you stopped looking for law enforcement  
24 related jobs in 2007 because you believe  
25 that Hesse said something bad about you to



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1 F. Fiorillo

2 Southampton and the other Plaintiffs said to

3 you that they think that Hesse said

4 something bad about them?

5 MR. GOODSTADT: Objection.

6 Q. Is that a fair characterization

7 of why you stopped looking for a job in 2007

8 in the law enforcement field?

9 A. Well, I know for a fact that he

10 said something about me.

11 Q. How do you know?

12 A. Because Scott Foster called me.

13 Q. Right. All Foster told you is

14 that, according to your testimony, is that

15 you were involved in an incident, right?

16 A. Well, if Hesse told him about an

17 incident I was involved in, then why didn't

18 I get the interview for the position?

19 Q. But all you know is that Hesse

20 said that you were involved in an incident,

21 right?

22 A. Yes.

23 Q. You don't know anything else that

24 Hesse said, if he did say anything else?

25 A. I don't.

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1 F. Fiorillo

2 Q. Right. And so is it fair -- is

3 it a fair characterization of your testimony

4 that you stopped looking for jobs in the law

5 enforcement field in 2007 because of what

6 you think Hesse said about you to the Town

7 of Southampton and what the other Plaintiffs

8 said Hesse said about them?

9 A. Well, I got to tell you, I still

10 haven't really stopped. That's -- that's my

11 answer.

12 Q. Oh, you really haven't stopped

13 yet?

14 A. No.

15 Q. Okay. Then tell me in 2007, who

16 did you apply -- what entities did you

17 apply to for a law enforcement job?

18 A. Um, in 2007, I'd say it was only

19 Collier County. But what I'm --

20 Q. In 2008, what law enforcement

21 jobs did you apply for?

22 A. I didn't apply for any in 2008.

23 Q. Thank you.

24 A. Wait a second. Law enforcement?

25 Q. Law enforcement related jobs?

Page 315

1 F. Fiorillo

2 That's what I'm --

3 A. Yes, I did. Park ranger.

4 Q. For whom?

5 A. For Brookhaven.

6 Q. Okay. And that was in 2007 or

7 2008?

8 A. 2008. Maybe it was --

9 Q. Tell you what, I'll give you a

10 hint, June 2, 2007.

11 A. Okay.

12 MR. NOVIKOFF: Let's mark -- do

13 your magic on what's been marked

14 Fiorillo-35.

15 (Application for Employment with

16 Town of Brookhaven was marked as

17 Fiorillo Exhibit-35 for identification;

18 2/20/09, E.L.)

19 A. (Reviewing).

20 Q. Do you recognize this document?

21 A. Yes.

22 Q. This is the application for the

23 park ranger job, right?

24 A. Correct.

25 Q. You filled it out, right?

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1 F. Fiorillo

2 A. Correct.

3 Q. You filled it out truthfully and

4 accurately?

5 A. Yes.

6 Q. George Hesse's name anywhere on

7 this application?

8 A. No.

9 Q. In fact, you put down as a

10 reference, Edward Paridiso, correct?

11 A. Correct.

12 Q. That's on the first page?

13 A. Correct.

14 Q. Second page, in employment

15 experience, you don't mention George Hesse

16 there, do you?

17 A. Because he wasn't my super --

18 Chief Hesse was the chief.

19 Q. That's right. You put down Chief

20 Edward Paridiso as the supervisor, right?

21 A. Correct.

22 Q. And the reasons for leaving,

23 "budgetary constraints," you see that?

24 A. Correct.

25 Q. So if I understand this document



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1 F. Fiorillo  
2 and your testimony correctly, over a year  
3 after you were no longer working for Ocean  
4 Beach, you put down Mr. Paridiso as a  
5 reference, and you, in your own handwriting,  
6 wrote "budgetary constraints" as the reason  
7 for you leaving, right?  
8 A. Yes.  
9 Q. And, in fact, this was after you  
10 filed a lawsuit in this action, right?  
11 A. Yes.  
12 Q. This is after you made all the  
13 allegations that you made in the Complaint  
14 that it was everything but budgetary  
15 constraints, right?  
16 A. Well, I was only going by this  
17 letter.  
18 Q. By --  
19 A. This says -- I took the language  
20 that Chief Paridiso used.  
21 Q. That's exactly right. Thank you.  
22 Did you have an interview with that -- with  
23 Brookhaven for the park ranger position?  
24 A. No.  
25 Q. No? Why not?

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1 F. Fiorillo  
2 A. I don't know why.  
3 Q. Did they ever call you back?  
4 A. No.  
5 Q. So you submitted an application  
6 and you never heard from them?  
7 A. Correct.  
8 Q. Did you ever tell Hesse you were  
9 applying for the Brookhaven job?  
10 A. No.  
11 Q. Did you tell Paridiso you were?  
12 A. No.  
13 Q. Do you have any knowledge one way  
14 or the other as to whether Hesse knew that  
15 you were applying for the Brookhaven job?  
16 A. No idea.  
17 Q. Do you have any knowledge one way  
18 or the other as to whether Hesse interfered  
19 with this job application?  
20 A. Not to my knowledge.  
21 Q. Okay. So we've now established  
22 that in 2007, you applied to one job in the  
23 law enforcement field. Any others that you  
24 can think of now?  
25 A. I don't recall.

Page 319

1 F. Fiorillo  
2 Q. Other than what you claim took  
3 place in the Town of Southampton in 2006,  
4 with regard to any job that you sought  
5 employment for, do you have any knowledge  
6 one way or the other as to whether Hesse  
7 knew that you were applying for those jobs,  
8 whether in the law enforcement field or  
9 outside the law enforcement field?  
10 A. No.  
11 Q. And, likewise, you have no idea  
12 one way or the other as to whether Hesse  
13 interfered in any of your potential jobs  
14 that you sought employment for?  
15 A. I have no --  
16 Q. Whether in law enforcement or  
17 outside of law enforcement?  
18 A. I have no knowledge of that.  
19 Q. Let's go to page 42. You allege  
20 a RICO violation in the Thirteenth Cause of  
21 Action, do you see that?  
22 A. Yes.  
23 Q. Paragraph 180, you allege, "as  
24 set forth above, Defendant Hesse, a natural  
25 person, has violated the provisions of the

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1 F. Fiorillo  
2 Racketeer Influenced and Corrupt  
3 Organizations Act by, among other things,  
4 engaging in two or more acts of obstruction  
5 of justice within 10 years, including  
6 without limitation," do you see that?  
7 A. Yes.  
8 Q. "A, ordering Plaintiffs to  
9 falsify official police records and  
10 ultimately terminating Plaintiffs'  
11 employment when they refused to do so," do  
12 you see that?  
13 A. Yes.  
14 Q. As it pertains to you, does A  
15 reference the time after the Halloween  
16 incident when Hesse told you that he wanted  
17 you to change your report because this is  
18 what happened? Well, you know what, I like  
19 it when you tell me what it is. What is A  
20 referring to?  
21 A. A?  
22 Q. Yeah. Subparagraph A, "ordering  
23 Plaintiffs to falsify official police  
24 records and ultimately terminating  
25 Plaintiffs' employment when they refused to

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1 F. Fiorillo  
2 do so," as it pertains to you, what does A  
3 mean?  
4 A. A is the Halloween incident.  
5 Q. That we've already testified to?  
6 A. Correct.  
7 Q. Anything else you want to add to  
8 that?  
9 A. That's the only thing that had to  
10 do with falsifying official -- let me just  
11 think for a second.  
12 Q. Okay.  
13 A. What about summonses?  
14 Q. Tell me.  
15 A. That's official police records  
16 that he -- that he altered.  
17 Q. No, not that he altered. He's  
18 asking you to falsify. Did police -- did  
19 Hesse ever order you to falsify a summons?  
20 Not whether he did. Whether he ordered you  
21 to do it. That's my question.  
22 A. Okay. The one off the top of my  
23 head is the Halloween statement.  
24 Q. Okay. But my question is, did  
25 Hesse ever order you to falsify a summons?

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1 F. Fiorillo  
2 Putting aside the Halloween incident, did  
3 Hesse ever order you to falsify a summons?  
4 MR. GOODSTADT: Objection.  
5 A. Well, technically, yes.  
6 Q. Technically or untechnically, why  
7 don't you tell me?  
8 A. I had to go get a summons that I  
9 issued from the violator, bring it back to  
10 the station with the owner of the  
11 business -- okay. You want me to explain it  
12 to you?  
13 Q. Well, you said technically --  
14 A. Yes. The answer is yes.  
15 Q. Well, then tell me -- tell me how  
16 Hesse ordered you to falsify a summons?  
17 A. Okay. I was on patrol and in the  
18 Village of Ocean Beach they have a code that  
19 at a certain point in time, bicycle riding  
20 is restricted. So the residents of the  
21 Village want this code enforced. I enforce  
22 the law in the Village as a police officer,  
23 and this one subject was violating the code.  
24 So I issued him a summons.  
25 Q. Okay.

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1 F. Fiorillo  
2 A. Okay? So what happened was the  
3 father of the son went to the police  
4 station.  
5 Q. Okay.  
6 A. Okay? And first of all, when I  
7 issued the summons to the son, the father  
8 said, "What are you doing?" He said, "You  
9 got to take this back." He said, "I take  
10 care of the Bosettis," okay?  
11 Q. Okay.  
12 A. So I said, "You're gonna have to  
13 go to court with that, and you know, you go  
14 to court and the judge is going to decide  
15 whatever he's going to decide. I have  
16 nothing to do with it after I issue the  
17 summons."  
18 Q. And you had already issued the  
19 summons?  
20 A. I already issued it.  
21 Q. Okay. So go on.  
22 A. So then what he did was he got  
23 upset and he went to the station. I went to  
24 the station with him.  
25 Q. Okay.

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1 F. Fiorillo  
2 A. Okay? So he was ranting and  
3 raving how much he pays in taxes in the  
4 Village of Ocean Beach.  
5 Q. Um-hum.  
6 A. And what Hesse did was he took  
7 the summons back. Then he had me go get the  
8 summons from the -- because what I have to  
9 do is I have to give a copy to the, um, the  
10 violator.  
11 Q. So the -- how old was the  
12 violator?  
13 A. Maybe 19 or 20.  
14 Q. Okay.  
15 A. Um, it was -- it was the, um,  
16 son of this business owner.  
17 Q. Okay.  
18 A. Okay? So what happened was --  
19 Q. Hesse told you to go get the  
20 summons from the violator?  
21 A. Right.  
22 Q. Did you?  
23 A. Yeah.  
24 Q. And what did you do with it?  
25 A. I gave it to Hesse.

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1 F. Fiorillo  
2 Q. Okay. So did you falsify  
3 anything on the summons that you had issued  
4 after you issued it?  
5 A. Well, he ordered me to take the  
6 summons back. I mean, that's pretty --  
7 Q. Sir, you're alleging "ordered  
8 Plaintiffs to falsify official police  
9 records." Did you change the writing on the  
10 summons after you issued it?  
11 A. I didn't change it at all.  
12 Q. That's fine. And you didn't  
13 refuse Hesse's direction to get the summons  
14 back?  
15 A. No.  
16 Q. Right. Well, you write in  
17 paragraph A, "Ordered Plaintiffs to falsify  
18 official police records and ultimately  
19 terminating Plaintiffs' employment when they  
20 refused to do so." So this one really  
21 wouldn't apply to that summons, would it,  
22 because you didn't refuse Hesse's direction?  
23 MR. GOODSTADT: Objection.  
24 Q. Right?  
25 A. Okay.

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1 F. Fiorillo  
2 Q. Okay. So other than the  
3 Halloween police report that you've  
4 testified about already, any other police  
5 records that Hesse ordered you to falsify  
6 that you refused to do?  
7 A. Not that I can recall at this  
8 time.  
9 Q. Okay. Let's go to B,  
10 "Prohibiting Plaintiffs from interfering  
11 with the unlawful activities of a known drug  
12 dealer operating within the jurisdiction of  
13 the OBPD," do you see that?  
14 A. Yes.  
15 Q. Who was this known drug dealer?  
16 A. Mitch Burns.  
17 Q. Okay. And are you -- is it your  
18 allegation that George Hesse prohibited you  
19 specifically from interfering with the  
20 unlawful activities of Mr. Burns operating  
21 within the jurisdiction?  
22 A. Yes.  
23 Q. Okay. Now, did you ever witness  
24 Mr. Burns selling drugs in the jurisdiction  
25 of the Ocean Beach Police Department?

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1 F. Fiorillo  
2 A. There was an incident at the  
3 church where --  
4 Q. We'll get to that. But my  
5 question to you, sir, did you ever witness  
6 Mitchell Burns selling drugs in the  
7 jurisdiction of the Ocean Beach Police  
8 Department?  
9 A. I witnessed what appeared to be a  
10 drug transaction by Mitch Burns.  
11 Q. Okay. And describe for me your  
12 witnessing of the drug transaction involving  
13 Mitch Burns.  
14 A. Um, it was a -- it was about  
15 2:30 in the morning at the church on Ocean  
16 Road and Midway Walk.  
17 Q. Okay. What year?  
18 A. I would say that was 2004.  
19 Q. Okay. What did you witness?  
20 A. I witnessed, um, Mitch Burns and  
21 this male subject, his name was Adam, he was  
22 on the Ocean Beach basketball team, and they  
23 were making a -- an exchange of what  
24 appeared to be cocaine.  
25 Q. Well, what made -- gave you the

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1 F. Fiorillo  
2 impression that what you saw would appear to  
3 be cocaine?  
4 A. It was a white powdery substance  
5 in a -- like a glazing bag.  
6 Q. How far away were you when you  
7 witnessed this transaction?  
8 A. Pretty close. Like pretty close  
9 (indicating).  
10 Q. Were you in uniform?  
11 A. Yeah. I was on duty.  
12 Q. So you're standing about three  
13 feet, four to five feet away from Mitch  
14 Burns and this other individual, and you saw  
15 Mitch Burns hand him a vial of cocaine?  
16 A. No. Not vial.  
17 Q. A bag?  
18 A. It's a little bag like this  
19 (indicating).  
20 Q. Transparent?  
21 A. Yeah.  
22 Q. And did you see the individual  
23 give Mitch Burns money?  
24 A. No.  
25 Q. Okay. Did Mitch Burns know that

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1 F. Fiorillo  
2 you were standing five feet away from him?  
3 A. No.  
4 Q. Okay. So was George Hesse with  
5 you?  
6 A. No.  
7 Q. Was anyone with you?  
8 A. Yes.  
9 Q. Who was with you?  
10 A. Joe Nofi.  
11 Q. Okay. Oh, Joe Nofi. Okay. And  
12 what police action did you take upon your  
13 witnessing of what you believed to be was a  
14 drug deal?  
15 A. I didn't take any police action.  
16 Q. Why not?  
17 A. Because George Hesse told me  
18 whatever -- whatever -- if anything has to  
19 do with Mitch Burns, hands off. Look the  
20 other way.  
21 Q. And when did George Hesse tell  
22 you this?  
23 A. This was -- the night that he  
24 told me?  
25 Q. Yeah.

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1 F. Fiorillo  
2 A. I was called to the station to  
3 pick him up and then I was in the gem car.  
4 And then what I did was I dropped him off at  
5 Mitch Burns' house. He said, "Whatever  
6 happens here with -- between the drugs and  
7 the girls, we look the other way."  
8 Q. George Hesse said that?  
9 A. George Hesse said that.  
10 Q. Okay. In the same season that  
11 you saw Mitch Burns hand this other  
12 individual what you thought to be cocaine?  
13 A. Yes.  
14 Q. And how old was this other  
15 individual? You said he played for the  
16 Ocean Beach Police -- basketball team?  
17 A. Yes.  
18 Q. How old was he?  
19 A. I would say in his 30s.  
20 Q. Okay.  
21 MR. GOODSTADT: It's a well  
22 known team.  
23 MR. NOVIKOFF: Yeah. I guess.  
24 A. It's not the Ocean Beach team.  
25 It's the Ocean Beach league they have in the

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1 F. Fiorillo  
2 summertime.  
3 Q. Okay. And did you say anything  
4 to these two individuals?  
5 A. I asked them what they were doing  
6 on the property.  
7 Q. And what did they say?  
8 A. Well, then Mitch just broke out  
9 to a -- to a real big sweat.  
10 Q. Okay.  
11 A. And they didn't have an answer.  
12 They were just hanging out.  
13 Q. And did you take the substance  
14 away from the individual?  
15 A. No.  
16 Q. No? Well, why not?  
17 A. Because I had a feeling that if I  
18 did anything with Mitch Burns, my job was  
19 going to be in jeopardy. Because at the  
20 time, George Hesse was sleeping at Mitch  
21 Burns' house because he was having marital  
22 problems with his wife.  
23 Q. So you allowed an individual in  
24 your presence to walk away with what you  
25 believed to be cocaine, right?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. Notwithstanding whatever health  
4 concerns or public safety concerns could  
5 result from that, is that your testimony?  
6 A. Based on what George Hesse told  
7 me.  
8 Q. Now you had -- you complained --  
9 did you complain to Paridiso about this?  
10 A. No.  
11 Q. Now you complained to Paridiso  
12 about the Bosettis throwing a cabinet into  
13 the bay, right?  
14 A. That's right.  
15 Q. And you complained to Paridiso  
16 about Hesse telling you that he wanted you  
17 to change your report, right?  
18 A. Right.  
19 Q. And you complained to Paridiso  
20 about the Bosettis drinking in the Village  
21 and Muller drinking in the Village, right?  
22 A. Right.  
23 Q. So is it your contention to this  
24 jury that notwithstanding the fact that you  
25 witnessed an illegal transaction, you made

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1 F. Fiorillo  
2 no complaints to the chief of police?  
3 MR. GOODSTADT: Objection.  
4 Q. Is that your -- is that what  
5 your testimony is?  
6 A. Well, I never -- I never checked  
7 the substance, so I don't know if it was  
8 drugs.  
9 Q. Oh. Okay.  
10 A. But in my opinion, it was a good  
11 possibility.  
12 Q. A good possibility that what two  
13 individuals exchanged was drugs. Fine. Did  
14 you even go to Chief Paridiso and tell him  
15 that you were prevented from enforcing your  
16 job, putting the public safety at risk,  
17 because of what Chief Hesse -- what  
18 Mr. Hesse told you?  
19 A. No.  
20 Q. And Mr. Hesse had previously told  
21 you, sir, that not to do anything with  
22 regard to the known drug dealer, right?  
23 A. Yes.  
24 Q. And at no time did you advise  
25 Mr. Paridiso about this, correct?

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1 F. Fiorillo  
2 A. Correct.  
3 Q. Even though you swore to uphold  
4 the law, correct?  
5 A. Correct.  
6 Q. Even though the primary objective  
7 of being a police officer was to ensure the  
8 safety of the individual citizens within the  
9 jurisdiction and anyone else within the  
10 jurisdiction, correct?  
11 A. Yes.  
12 Q. So if I understand you correctly,  
13 and please tell the jury this,  
14 notwithstanding the fact that you were told  
15 by Mr. Hesse not to enforce the law against  
16 Mr. Burns, and that the public safety could  
17 be at issue because of what Mr. Burns was  
18 doing, you did not go to your superior,  
19 Mr. Paridiso, and make a complaint?  
20 MR. GOODSTADT: Objection.  
21 Q. Correct?  
22 A. Correct.  
23 Q. So you knowingly allowed a drug  
24 dealer to do whatever he was doing in Ocean  
25 Beach that could put the safety of the

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1 F. Fiorillo  
2 citizens in jeopardy, correct?  
3 A. Not only me. What about George  
4 Hesse?  
5 Q. You're -- you're answering the  
6 question, sir, that I'm asking you. You  
7 would agree with me, right?  
8 A. Yes.  
9 Q. And you didn't tell Mayor Rogers?  
10 A. No.  
11 Q. You didn't tell any trustees?  
12 A. No.  
13 Q. You didn't -- you didn't even  
14 send an anonymous -- well, let me ask you,  
15 did you send any anonymous notes or  
16 communications to anyone at Ocean Beach  
17 about this?  
18 A. No.  
19 Q. No, right?  
20 A. Right.  
21 Q. You didn't send any anonymous  
22 communications to the DA, right?  
23 A. No.  
24 Q. You didn't send any anonymous  
25 communications to any media outlet, right?

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1 F. Fiorillo  
2 A. Well, when you say "anonymous" --  
3 Q. Did you call up News 12 and say  
4 "hey, listen, I can't tell you who my name  
5 is, but I'm being told by my police sergeant  
6 not to enforce the laws against a drug  
7 dealer"?  
8 A. No. But I did tell the DA's  
9 office.  
10 Q. After August 2005, right?  
11 A. Yes.  
12 Q. And that was after they came to  
13 you about the Gilbert incident, correct?  
14 A. Correct.  
15 Q. You didn't voluntarily go to the  
16 DA with this information, did you?  
17 A. No.  
18 Q. Right. You then write in  
19 subparagraph C, "ordering Plaintiffs to  
20 facilitate other officers' dereliction of  
21 duty, including without limitation, by  
22 allowing those officers to imbibe  
23 intoxicating beverages while on duty," what  
24 do you mean by that?  
25 A. Well, we were -- we were told to



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1 F. Fiorillo  
2 look the other way with the, um, with the --  
3 as far as the Bosettis go.  
4 Q. What were you told with regard to  
5 looking the other way?  
6 A. Well, I was told not to go crying  
7 to the chief.  
8 Q. Anything else that you were told?  
9 A. Well, I was told to drive  
10 officers to the checkpoint.  
11 Q. Okay. Anything else?  
12 A. I was told to pick them up at the  
13 bars.  
14 Q. The Bosettis. Anything else.  
15 Well, the Bosettis you're referring to?  
16 A. Well, the Bosettis. Walter  
17 Muller.  
18 Q. Okay.  
19 A. Sometimes Ty Bacon. It wasn't  
20 always the Bosettis. It was, you know,  
21 there were other officers also.  
22 Q. Okay. Anything else?  
23 A. Well, that's all I can recall at  
24 this time.  
25 Q. Were you the only person to ever

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1 F. Fiorillo  
2 be directed by Mr. Hesse to drive officers  
3 to the checkpoint?  
4 A. No.  
5 MR. GOODSTADT: Objection.  
6 Q. To your knowledge, who else  
7 was -- was directed by Hesse to drive  
8 officers to the checkpoint?  
9 A. I think Joe Nofi.  
10 Q. Um-hum.  
11 A. Tommy Snyder. Kevin Lamm. Eddie  
12 Carter.  
13 Q. Were you aware if any other  
14 officers who were on different shifts would  
15 drive police officers to checkpoints at the  
16 end of their shifts?  
17 A. If I wasn't there, I wouldn't  
18 know who he had.  
19 Q. Well, you did come to the  
20 checkpoint when you started your shift,  
21 right?  
22 A. No. I came on the ferry.  
23 Q. Okay. Then let's talk about D.  
24 Well, did you ever send a -- an anonymous  
25 communication to anyone concerning the fact

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1 F. Fiorillo  
2 that you were being directed by Hesse to  
3 drive officers off to the checkpoint or take  
4 them out of the bars?  
5 MR. GOODSTADT: Objection.  
6 A. Say that -- I'm sorry.  
7 Q. Well, did you ever complain by  
8 way of any communication, um, that you were  
9 being directed by George Hesse to drive the  
10 Bosettis and other officers to the  
11 checkpoint?  
12 A. Did I ever complain about that?  
13 No.  
14 Q. And I think you mentioned you  
15 had -- you were ordered to take some of the  
16 officers out of bars?  
17 A. Yeah. Pick them up at the bars  
18 when they were coming out of the bars.  
19 Q. And take them where, if anywhere?  
20 A. To the checkpoint.  
21 Q. So that's all in one, take them  
22 out of the bar?  
23 A. Yeah. Basically through Ocean  
24 Beach to the checkpoint.  
25 Q. Did you ever complain about that?

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1 F. Fiorillo  
2 A. Um, there was one night in  
3 particular that I complained about, um,  
4 Richie Bosetti driving the vehicle -- well,  
5 I wasn't driving that night. You want to  
6 hear about that?  
7 Q. No. I'm just interested in if  
8 you complained.  
9 A. Well, it's in reference to a  
10 complaint.  
11 Q. What did you complain about?  
12 A. About Richie Bosetti driving the  
13 police vehicle to the checkpoint and  
14 offering a Marine Bureau police -- Suffolk  
15 County Marine Bureau police officer a beer,  
16 while the Marine Bureau police officer was  
17 on duty.  
18 Q. And who did you complain to?  
19 A. The chief.  
20 Q. Chief Paradiso?  
21 A. (Indicating).  
22 Q. So that's another complaint that  
23 you --  
24 A. Well, I just remember that one  
25 now because of the transporting.

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1 F. Fiorillo  
2 Q. And when did that take place?  
3 A. That was in 2004.  
4 Q. And why didn't you complain to  
5 Hesse first about that?  
6 A. Because at that time, that was  
7 when the chief was trying to enforce the  
8 rules in the Village, and Hesse wasn't doing  
9 anything to enforce them himself.  
10 Q. Okay. So if I understand your  
11 testimony then, at some point in time in  
12 2004, you witnessed Richard Bosetti offering  
13 a --  
14 A. Suffolk County police -- Marine  
15 Bureau police officer on duty in his  
16 vehicle --  
17 Q. A beer?  
18 A. A beer.  
19 Q. Did that police officer take the  
20 beer?  
21 A. No.  
22 Q. And you felt the need to complain  
23 to Chief Paridiso about that?  
24 A. That made the department look  
25 so -- I mean, it was -- it was a disgrace.

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1 F. Fiorillo  
2 I felt that to be a disgrace that here he  
3 is, I mean, embarrassing us basically.  
4 Q. Did the marine officer indicate  
5 that it was an embarrassment to be offered a  
6 beer while on duty in your presence? I'm  
7 only asking --  
8 MR. GOODSTADT: Objection.  
9 A. In my presence, I think he was  
10 pretty shocked by his reaction.  
11 Q. Okay. What was his reaction?  
12 A. His recollection was, "No way."  
13 He goes, "I'm on duty," you know.  
14 Q. Did you complain to anybody else?  
15 A. No.  
16 Q. Let's go to D, "conspiring with  
17 Alison Sanchez to prevent Plaintiffs from  
18 taking any action that might prevent Hesse  
19 from perpetrating similar acts on an ongoing  
20 basis"?  
21 A. Where is this?  
22 Q. D, on the bottom of 42.  
23 A. Bottom of 42?  
24 MR. GOODSTADT: What's the  
25 question about it?

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1 F. Fiorillo  
2 MR. NOVIKOFF: What did he mean  
3 by that.  
4 MR. GOODSTADT: Objection.  
5 A. Well, Alison Sanchez was the one  
6 who we went to -- Joe Nofi, Kevin Lamm and  
7 myself -- and she actually told us that we  
8 couldn't go on any further than her. So she  
9 basically prevented us from -- from going  
10 forward which -- which might have prevented  
11 Hesse from perpetrating similar acts on an  
12 ongoing basis.  
13 Q. Might have. You said Alison  
14 Sanchez prevented you. Would you agree with  
15 me the fact that I've been asking you  
16 questions for five hours at a deposition in  
17 a complaint that you filed alleging all of  
18 these activities involving Mr. Hesse,  
19 indicates that you weren't in fact prevented  
20 by anyone to -- trying to ensure that George  
21 Hesse didn't do this anymore?  
22 MR. GOODSTADT: Objection.  
23 Q. Do you understand what I'm  
24 saying?  
25 A. Not really.

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1 F. Fiorillo  
2 Q. All right. Well, you just said  
3 in the Complaint and in your testimony that  
4 Alison Sanchez conspired with George Hesse  
5 to prevent you from preventing Hesse from  
6 perpetrating similar acts that were alleged  
7 in your Complaint, do you see that?  
8 A. Yes.  
9 Q. You filed a lawsuit, right?  
10 A. Yes.  
11 Q. In this lawsuit, you've alleged  
12 that Hesse has committed a lot of unlawful  
13 acts, right?  
14 A. Yes.  
15 Q. And a lot of acts that weren't  
16 nice to you, right?  
17 A. Yes.  
18 Q. How could you have done that if  
19 Alison Sanchez, as you've testified,  
20 prevented you from doing this?  
21 MR. GOODSTADT: Objection.  
22 Q. It's a mind twister, isn't it?  
23 MR. GOODSTADT: Objection.  
24 A. I'm trying to think of how to  
25 answer it.

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1 F. Fiorillo  
2 Q. I'm trying to think how you're  
3 going to answer it.  
4 MR. GOODSTADT: Objection.  
5 A. Well, what Alison Sanchez and  
6 Hesse did to Joe, Kevin and myself and they  
7 got away with doing that, if they got away  
8 with doing that, then they can continue to  
9 do that on an ongoing basis if -- if we  
10 didn't do anything about it.  
11 Q. Yeah. But that -- what you've  
12 alleged is that Sanchez prevented you from  
13 preventing Hesse from perpetrating similar  
14 acts on an ongoing basis, sir. You filed  
15 this lawsuit, correct?  
16 A. Correct.  
17 Q. So explain to the jury how Alison  
18 Sanchez prevented you from doing anything?  
19 MR. GOODSTADT: Objection.  
20 A. Well, she initially was the cause  
21 of these officers who came to Ocean Beach as  
22 civilians that were working for a -- a few  
23 years.  
24 Q. She initially was the cause, is  
25 that your testimony?

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1 F. Fiorillo  
2 A. Well, she had -- she -- with --  
3 her and Hesse, both of them involved.  
4 Q. I'll move on. I just want to go  
5 back to some questions about your  
6 employment. When you first joined the  
7 police department at Ocean Beach, were you  
8 qualified as you've alleged other officers  
9 weren't?  
10 A. Absolutely I was qualified. 100  
11 percent.  
12 Q. You were qualified? You passed  
13 all your tests?  
14 A. Everything.  
15 Q. At no time did you have any  
16 retake any tests?  
17 A. None.  
18 Q. Okay. Now prior to January 1,  
19 2006 -- well, let's just go back. Between  
20 the time you first started at Ocean Beach  
21 and January 1, 2006, what jobs in the law  
22 enforcement field did you apply for?  
23 A. Prior to -- excuse me?  
24 Q. Between your first day at Ocean  
25 Beach in 2002 and January 1, 2006, what jobs

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1 F. Fiorillo  
2 in the law enforcement field had you applied  
3 for?  
4 A. I believe I only applied for one  
5 job.  
6 Q. In the entire span of that time?  
7 A. That I can remember.  
8 Q. What job was that?  
9 A. FBI.  
10 Q. Did you get it?  
11 A. No.  
12 Q. In fact, didn't Ty Bacon give you  
13 a recommendation?  
14 A. I don't know who gave  
15 recommendations.  
16 Q. Did you ever ask Ty Bacon to give  
17 you a recommendation for that job?  
18 A. No.  
19 Q. Did you ask Ty Bacon to do  
20 anything with regard to that job?  
21 A. No. What happened was the --  
22 Q. I'm just asking a question. So  
23 Ty Bacon, you asked nothing of Ty Bacon with  
24 regard to your application to the FBI, is  
25 that your testimony?

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1 F. Fiorillo  
2 A. I have to say "no" with an  
3 explanation.  
4 Q. Fine. Give me the explanation.  
5 A. I didn't ask anybody for a  
6 reference because what the investigator did  
7 was he went to Ocean Beach and Chief  
8 Paridiso gave him the names to give the  
9 investigator the, um, recommend -- the  
10 reference. I had nothing to do with it.  
11 Q. Let's go to page 41. 176, do you  
12 see that?  
13 A. Yes.  
14 Q. Now above that this is the  
15 Twelfth Cause of Action, right?  
16 A. Yes.  
17 Q. And you entitle it "Negligent  
18 Retention of an Unfit Employee Under State  
19 Law," do you see that?  
20 A. Yes.  
21 Q. Let's go to 176. You write or  
22 you allege "as set forth above, Defendants  
23 Hesse, Ocean Beach, OBPD and Suffolk County  
24 Civil Service, deliberately retained and  
25 advanced the careers of uncertified and

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1 F. Fiorillo  
2 unqualified personnel who served alongside  
3 Plaintiffs as police officers," do you see  
4 that?  
5 A. Yes.  
6 Q. How come you didn't make the same  
7 allegation about Chief Paridiso?  
8 MR. GOODSTADT: Objection.  
9 A. What do you mean by that?  
10 Q. Well, Chief Paridiso was  
11 Defendant Hesse's superior in 2002, 2003,  
12 2004 and part of 2005, correct? Right?  
13 A. Yeah. But George Hesse --  
14 Q. Sir, was --  
15 A. Yes.  
16 Q. Yes?  
17 A. Yes.  
18 Q. And you testified earlier that  
19 you don't know who had the authority at  
20 Ocean Beach to hire people, right?  
21 A. Yes.  
22 Q. So my question to you, sir, is  
23 why didn't you include Chief Paridiso in  
24 this allegation?  
25 MR. GOODSTADT: Objection. To

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1 F. Fiorillo  
2 the extent that -- I just want to  
3 caution you -- to the extent that the  
4 decision was made in consultation with  
5 your lawyers or any strategic decisions  
6 who to sue and not to sue was made in  
7 consultation with a lawyer, I'm going  
8 to instruct you not to answer.  
9 THE WITNESS: Okay.  
10 Q. You can't answer that?  
11 A. Based on my attorney's advice.  
12 Q. Okay. You then go on -- I don't  
13 know if I continued -- "who served alongside  
14 Plaintiffs as police officers, while  
15 Defendant Loeffler, mayor of Ocean Beach,  
16 negligently permitted Hesse to do so," do  
17 you see that?  
18 A. Where? 41?  
19 Q. 176 on page 41.  
20 A. Yup.  
21 Q. Do you see reference to --  
22 A. Okay. I got it.  
23 Q. -- Defendant Loeffler?  
24 A. Yes.  
25 Q. On April 2, 2006, Loeffler wasn't

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1 F. Fiorillo  
2 the mayor, was he?  
3 A. No.  
4 MR. GOODSTADT: Objection.  
5 It's pretty clear on 177 that he  
6 wasn't.  
7 MR. NOVIKOFF: Okay.  
8 Q. So Loeffler was not the mayor?  
9 A. Correct.  
10 Q. So how could Mayor Loeffler have  
11 negligently permitted Hesse to do so if he  
12 wasn't the mayor?  
13 MR. GOODSTADT: Objection.  
14 Q. In your opinion?  
15 MR. GOODSTADT: Objection.  
16 It's set forth in 177.  
17 MR. NOVIKOFF: That's nice. If  
18 you need to read it, you can read it.  
19 MR. GOODSTADT: I'll object to  
20 the question. It calls for a legal  
21 conclusion.  
22 MR. NOVIKOFF: Okay. You can  
23 answer.  
24 Q. I'll make my question even  
25 simpler. If Hesse was not the mayor at the

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1 F. Fiorillo  
2 time that you left --  
3 A. If Loeffler.  
4 Q. If Loeffler was not the mayor at  
5 the time that you left on April 2, 2006, how  
6 could he have negligently permitted the --  
7 the continuation of the careers --  
8 MR. GOODSTADT: Objection.  
9 Q. Of these unqualified officers?  
10 MR. GOODSTADT: Same objection.  
11 A. As the village trustee, he did.  
12 Q. And what's the basis for your  
13 opinion that the village trustee, Hesse, had  
14 the authority --  
15 A. No.  
16 Q. I mean Loeffler had the authority  
17 to hire or fire any employee by himself?  
18 A. No. No. I don't know that.  
19 Q. Oh, you don't know that?  
20 A. (Indicating).  
21 Q. Okay.  
22 A. But he has a direct vote I would  
23 imagine.  
24 Q. One of five, right?  
25 A. Right.

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1 F. Fiorillo

2 Q. Okay. Do you have any indication

3 one way or the other as to whether Loeffler

4 ever voted on this issue?

5 A. I don't know.

6 Q. Right. Okay. You then go on

7 "Defendant Hesse had knowledge of the undue

8 risk of harm to which Plaintiffs were

9 thereby exposed." Let me ask you this

10 question, sir --

11 A. Where are you? I'm sorry.

12 Q. Same 176.

13 A. Okay.

14 Q. "Negligently permitted Hesse to

15 do so. Defendant Hesse had knowledge of the

16 undo risk of harm to which Plaintiffs were

17 thereby exposed," do you see that?

18 A. Okay.

19 Q. Tell the jury, in your own words,

20 how you, Mr. Fiorillo, have been physically

21 injured as a result of the uncertified and

22 unqualified personnel serving alongside you?

23 MR. GOODSTADT: Objection.

24 A. We had the risk of physical

25 injury.

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1 F. Fiorillo

2 Q. Oh, I can read, sir. I'm asking

3 you to tell the jury what physical injuries

4 you've suffered as a result of the

5 uncertified and unqualified personnel that

6 you served alongside?

7 MR. GOODSTADT: Objection.

8 A. I think because of them being

9 unfit to be qualified for the position of

10 police officer, that's why I'm -- I'm in the

11 position I am in right now.

12 Q. Oh, no. I get that aspect of

13 your claim.

14 A. So physically it affected me.

15 Q. Tell the jury specifically what

16 physical injury you have suffered as a

17 result of serving alongside of uncertified

18 and unqualified personnel?

19 MR. GOODSTADT: Objection.

20 Q. Okay.

21 A. Physical injury?

22 Q. Physical injury.

23 A. I think I'm damaged, to be honest

24 with you, physically.

25 Q. That's what I'm asking.

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1 F. Fiorillo

2 A. I'm damaged. It affected me

3 physically.

4 Q. What physical injury have you

5 suffered? Have you suffered a broken arm?

6 Well, you know what, let me make it -- let

7 me see. You got one more minute left?

8 Prior to April 2, 2006, what physical injury

9 did you suffer as a result of working

10 alongside uncertified and unqualified

11 officers?

12 MR. GOODSTADT: Objection.

13 A. Well, physically working with

14 uncertified officers in -- in the, um, in

15 working as a police officer in Ocean Beach,

16 there was -- there was -- physically you

17 weren't assured that you had a police

18 officer on your side or backing you up in an

19 emergency situation that, number one, knew

20 the ten codes, number two, knew how to

21 handle a situation without -- without being

22 under the influence of drug -- alcohol.

23 Excuse me. Alcohol.

24 Q. Actually, we're running out of

25 time. Do you want to just pick that answer

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1 F. Fiorillo

2 up when we're done? We can read what you

3 had said so far and then you can continue?

4 A. Whatever you want.

5 MR. NOVIKOFF: Yeah. Let's do

6 that.

7 THE VIDEOGRAPHER: This ends

8 tape number five. The time it 4:50

9 p.m. Going off the record.

10 (A break was taken.)

11 THE VIDEOGRAPHER: This begins

12 tape number six. The time is 5:01 p.m.

13 Back on the record.

14 MR. NOVIKOFF: I'm going to ask

15 the court reporter to read back your

16 answer so that -- since we stopped

17 because the tape ended, so that if you

18 want to finish it or complete it, by

19 all means do so.

20 THE WITNESS: Okay.

21 (The requested portion was read.)

22 Q. Do you want to finish your

23 answer?

24 A. Yes.

25 Q. Go ahead.



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1 F. Fiorillo  
2 A. Um, with that, there was always  
3 the potential to, um, have the risk of  
4 injury, but at that time, I didn't get  
5 any -- I didn't receive any injuries.  
6 MO MR. NOVIKOFF: Okay. I'm going  
7 to move to strike that answer. And  
8 just so that the record's clear, and I  
9 know your counsel's going to object,  
10 and that's fine.  
11 Q. Prior to April 2, 2006, what  
12 physical injury, if any, did you suffer as a  
13 result of serving alongside unqualified and  
14 uncertified officers?  
15 MR. GOODSTADT: Objection.  
16 A. No physical injury.  
17 Q. Okay. Let's go to page 40.  
18 Paragraph 171. Now, sir, in the Eleventh  
19 Cause of Action, you title it "Termination  
20 in Violation of Public Policy Under State  
21 Law," do you see that?  
22 A. Yes.  
23 Q. Please tell the jury what the  
24 Public Policy of New York State is that you  
25 believe my clients have violated?

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1 F. Fiorillo  
2 MR. GOODSTADT: Objection.  
3 It's a legal conclusion. That's a  
4 strictly legal question.  
5 MR. NOVIKOFF: I'm asking the  
6 witness.  
7 MR. GOODSTADT: Did you want to  
8 explain what section 1983 is also?  
9 Q. Sir, please identify the public  
10 policy.  
11 MR. GOODSTADT: That's a legal  
12 conclusion. I'm going to object.  
13 MR. NOVIKOFF: Your objection's  
14 noted.  
15 A. That would be a legal policy.  
16 Q. Yeah. I'm -- what's the public  
17 policy of New York State that my clients  
18 have violated?  
19 MR. GOODSTADT: Objection. You  
20 can answer, if you know.  
21 Q. If you don't know, then you say  
22 "I don't know."  
23 A. I don't know.  
24 Q. Okay. Let's go to paragraph 171.  
25 "As set forth above, Defendants terminated

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1 F. Fiorillo  
2 Plaintiffs' employment because Plaintiffs  
3 complied with and/or refused to violate laws  
4 and regulations governing law enforcement  
5 personnel in Ocean Beach, Suffolk County."  
6 Sir, were the criminal procedure laws of New  
7 York State be applicable to Ocean Beach  
8 police officers?  
9 MR. GOODSTADT: Objection.  
10 Q. In terms of how they go about  
11 enforcing the law?  
12 A. Yes.  
13 Q. Okay.  
14 A. With and including the Ocean  
15 Beach Village code.  
16 Q. Fine. And is it against the law,  
17 to your knowledge, to sell cocaine to an  
18 individual?  
19 A. Yes.  
20 Q. Is it a felony to sell --  
21 A. Yes.  
22 Q. -- cocaine?  
23 A. Yes.  
24 Q. And would you agree with me that  
25 as an officer, a police officer, it's your

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1 F. Fiorillo  
2 obligation under the law that if you witness  
3 a felony, such as the sale of narcotics, you  
4 are required to make the arrest?  
5 A. Yes.  
6 Q. Would you also agree with me that  
7 when you witnessed Mitch Burns engaged in a  
8 drug transaction involving cocaine, you  
9 declined to arrest him?  
10 A. I didn't know if he was selling  
11 cocaine.  
12 Q. Well, okay.  
13 A. I didn't test it. In other  
14 words --  
15 Q. You didn't even get it?  
16 A. Right. So I couldn't even -- I  
17 couldn't tell the truth that it was cocaine.  
18 Q. Okay. Isn't it true, sir, that  
19 Mr. Hesse, according to your -- well,  
20 withdrawn. Sir, according to your  
21 testimony, Mr. Hesse ordered you to  
22 disregard the law when it came to Mitch  
23 Burns and turn the other way, correct?  
24 A. Yes.  
25 Q. And in 171, you allege that you

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1 F. Fiorillo  
2 refused to violate the law, do you see that?  
3 A. Yes.  
4 Q. Isn't it true that at least with  
5 regard to Mr. Burns, according to your  
6 testimony, you agreed with Mr. Hesse to  
7 violate the law with regard to Mitch Burns'  
8 conduct?  
9 A. Well, I didn't violate the law  
10 because I didn't know -- actually, I didn't  
11 know what he was selling, so technically,  
12 was the law broken? I don't know because I  
13 don't know if in fact what appeared to be a  
14 drug transaction to me, I didn't -- I didn't  
15 have the possession, I didn't test it, I  
16 didn't pursue it.  
17 Q. Let me ask you a question. Had  
18 Mr. Hesse, according to you, not given you  
19 that direction, would you have apprehended  
20 Mr. Burns and placed him under arrest?  
21 A. Well, I would have had to see --  
22 MR. GOODSTADT: Objection.  
23 A. I would have to further  
24 investigate the scene.  
25 Q. What would have you done to

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1 F. Fiorillo  
2 further investigate the scene?  
3 MR. GOODSTADT: Objection.  
4 A. Well, I would have had to search.  
5 Q. Did you believe you had probable  
6 cause to search him?  
7 A. At that time?  
8 Q. That's all I'm asking. Your  
9 opinion.  
10 A. My opinion, I probably did.  
11 Q. Okay. And given that you believe  
12 you had probable cause to invest -- to  
13 search Mr. Burns, your practice would have  
14 been to search Mr. Burns, right?  
15 A. Yes.  
16 Q. And had you found, um, narcotics  
17 on Mr. Burns -- well, would you have also  
18 searched the other person?  
19 MR. GOODSTADT: Objection.  
20 A. Oh yeah.  
21 Q. Had you found -- had you searched  
22 him and you got possession of the bag with  
23 the substance in it, what would you have  
24 done next?  
25 MR. GOODSTADT: Objection.

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1 F. Fiorillo  
2 A. I would have had to take him down  
3 to the station and then we have a test kit.  
4 Q. Right.  
5 A. Test it to confirm.  
6 Q. Okay. And that would have  
7 been --  
8 A. Grounds to arrest him.  
9 Q. If there was narcotics?  
10 A. Correct.  
11 Q. And you did none of that?  
12 A. No.  
13 Q. So would you agree with me that  
14 you -- rather than refusing to violate the  
15 law and regulations, you, in fact, complied  
16 with Mr. Hesse's instructions to you not to  
17 do what your job and the regulations  
18 required, correct?  
19 MR. GOODSTADT: Objection.  
20 A. In that instance, yes.  
21 Q. So would you agree with me, sir,  
22 that you, in fact, violated the public  
23 policy of New York State --  
24 MR. GOODSTADT: Objection.  
25 Q. -- by -- by turning a blind eye

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1 F. Fiorillo  
2 to what you believed was probable cause of  
3 criminal activity?  
4 MR. GOODSTADT: Same objection.  
5 A. It would have to go -- there  
6 would have to be a progression on that.  
7 Like, initially, I didn't know if it was  
8 cocaine. In other words, I would have to  
9 take the first step.  
10 Q. Not even talking about whether or  
11 not it was cocaine or not, sir, isn't it  
12 true that as with regard to Mr. Burns, you  
13 violated your obligation to -- to act as a  
14 police officer and investigate what you  
15 believed to be a crime?  
16 MR. GOODSTADT: Objection.  
17 A. I followed Hesse's orders is what  
18 I did.  
19 Q. Okay. Now I appreciate the Nazi  
20 defense, but I'm asking you this, sir.  
21 Isn't it true that you violated your  
22 obligations as a police officer by not  
23 pursuing what you believed was a violation  
24 of the criminal laws of New York State with  
25 regard to Mitch Burns?

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1 F. Fiorillo  
2 MR. GOODSTADT: Objection. To  
3 analogize his statement to a Nazi  
4 defense is offensive.  
5 A. I don't know what that means, the  
6 Nazi defense.  
7 Q. Sir, isn't it true that you  
8 knowingly and intentionally acted in  
9 contradiction to your obligations as a  
10 police officer by not investigating what you  
11 believed to be a narcotics sale?  
12 MR. GOODSTADT: Objection.  
13 A. I'm not sure.  
14 Q. Let's go to page 39. Tell me  
15 when you're there. Are you there?  
16 A. Okay.  
17 Q. Page nine, paragraph 164, do you  
18 see where I'm referring to?  
19 A. Page 39.  
20 Q. Page 39, yes.  
21 A. Paragraph?  
22 Q. 39. I'm sorry, paragraph 164.  
23 A. Got it.  
24 Q. This is within the Tenth Cause of  
25 Action, do you see that?

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1 F. Fiorillo  
2 A. Yes.  
3 Q. Defamation per se Under State  
4 Law --  
5 A. Yes.  
6 Q. -- do you see that? 164,  
7 "Defendants Hesse and OBPD published  
8 defamatory statements about Plaintiffs,  
9 including without limitation, assertions  
10 that," do you see where I'm at?  
11 A. Yes.  
12 Q. Let's go to A. "Plaintiffs  
13 were" -- bless you -- "Plaintiffs were  
14 dishonest men, 'rats' and rogue law  
15 enforcement officers (April 2, 2006)." What  
16 does the reference to "April 2, 2006" mean  
17 as it's used in paragraph 164A?  
18 MR. GOODSTADT: Objection.  
19 A. That reference is a reference  
20 that was made at the Ocean Beach department  
21 meeting.  
22 Q. Now were you present at the  
23 meeting?  
24 A. No.  
25 Q. Okay. And, in fact, if I recall

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1 F. Fiorillo  
2 your testimony correctly, and tell me if I'm  
3 wrong, because I don't want to  
4 mischaracterize your testimony, all the  
5 officers -- well, a number of officers were  
6 on Ocean Beach for the organizational  
7 meeting on April 2, 2006, correct?  
8 A. Correct.  
9 Q. And at some point in time, Hesse  
10 said that everyone should line up, right?  
11 A. Correct.  
12 Q. And -- at the boathouse?  
13 A. Correct.  
14 Q. And then when you went to the  
15 boathouse, it was only you, Lamm, Carter and  
16 Nofi and nobody else?  
17 A. Correct.  
18 Q. Okay. Now where did you --  
19 where did you hear Hesse say go to the  
20 boathouse? Where were you standing when he  
21 said that?  
22 A. Where was I standing?  
23 Q. Yeah. When Hesse said "everyone  
24 to the boathouse"?  
25 A. I was pretty much right by the

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1 F. Fiorillo  
2 boathouse. Right by the steps.  
3 Q. And were the other officers by  
4 the boathouse?  
5 A. Kind of spread out. Like, you  
6 know, in a -- in a spread out area.  
7 Q. Okay. And when I say "other  
8 officers," I'm including those in addition  
9 to Lamm, Nofi and Carter, right?  
10 A. Yeah.  
11 Q. Okay.  
12 A. Well --  
13 Q. Okay. Go ahead. Tell me.  
14 A. Okay. When -- when -- I just  
15 want to get clear. When we were lining up,  
16 before we were lining up?  
17 Q. Yeah.  
18 A. Everybody was all spread out.  
19 Q. Okay.  
20 A. Then Hesse made a statement to  
21 line up at the boathouse and he was going to  
22 talk to everybody one at a time.  
23 Q. And --  
24 A. Then --  
25 Q. You proceeded to line up, right?

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1 F. Fiorillo  
2 A. Then that's when one group went  
3 this way and --  
4 Q. Got it.  
5 A. -- only four people were on line.  
6 Q. Okay. So you went into the  
7 boathouse, right?  
8 A. Yes.  
9 Q. What transpired next?  
10 A. I went in. I -- Eddie -- Eddie  
11 Carter went in first.  
12 Q. Um-hum.  
13 A. And I saw Eddie Carter's shield  
14 on the table.  
15 Q. Okay. Wait a minute.  
16 A. Where Hesse -- Hesse was inside.  
17 He was at a table sitting down.  
18 Q. Did you see Eddie Carter leave  
19 the boathouse after he went in?  
20 A. Yeah, he came -- he came out. He  
21 exited and I entered.  
22 Q. Did Eddie say anything to you as  
23 he was exiting and you were entering?  
24 A. Not a word.  
25 Q. Okay. So you went in?

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1 F. Fiorillo  
2 A. So I went in.  
3 Q. And you saw Ed Carter's shield,  
4 right?  
5 A. (Indicating).  
6 Q. And what did Hesse say to you, if  
7 anything?  
8 A. Well, of course he did. He  
9 said --  
10 Q. Well, I have to say "if  
11 anything," or else your attorney may object.  
12 A. Okay. What he did was he said  
13 that "I'm letting you go for budget cuts."  
14 Q. Okay.  
15 A. "So I need your firearm," so I  
16 had to make it safe. Took that. And then  
17 he needed my shield, my ID card and he took  
18 the jacket off my back.  
19 Q. And did he say anything else  
20 while you were in the boathouse?  
21 A. Yes, he did.  
22 Q. What did he say?  
23 A. He said, "Now that I'm taking  
24 over, it's not going to be like when Ed  
25 Paridiso was here. I'm going to make this a

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1 F. Fiorillo  
2 kinder and gentler police department," and,  
3 um, and also, to addition to budgetary cuts,  
4 he said that, "You were one officer -- you  
5 were one of the officers that wrote way too  
6 many summonses for my liking."  
7 Q. Okay. So if I understand your  
8 testimony correctly, in this boathouse  
9 meeting when you were told you were not  
10 going to be hired or terminated as you've  
11 said, Hesse gave you two reasons why you  
12 were being fired?  
13 A. Correct.  
14 Q. One, budgetary cuts?  
15 A. Correct.  
16 Q. And two, that you wrote too many  
17 summonses for his liking?  
18 A. Correct.  
19 Q. And he also said that he wanted a  
20 warmer and fuzzier --  
21 A. Gentler -- gentler -- kinder and  
22 gentler police department.  
23 Q. Okay. And did you ask him what  
24 he meant by that?  
25 A. No. I was -- I was -- I was

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1 F. Fiorillo  
2 physically upset. I didn't even -- I was --  
3 you know, it was very upsetting.  
4 Q. And did you say anything to Hesse  
5 in response to --  
6 A. No.  
7 Q. -- anything he said to you?  
8 A. I was -- I was beside myself. I  
9 couldn't believe what was happening.  
10 Q. So now if I understand your  
11 testimony correctly, Hesse said he wants a  
12 warmer and kinder --  
13 A. Kinder -- kinder and gentler --  
14 Q. Right.  
15 A. -- police department.  
16 Q. That you were being fired for  
17 budgetary -- you were not being hired for  
18 budgetary cuts and that --  
19 A. I wrote too many summonses.  
20 Q. And that was the extent of the  
21 conversation?  
22 A. That's it.  
23 Q. And then you walked out?  
24 A. That's it. Well, I gave my  
25 shield and everything.

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1 F. Fiorillo  
2 Q. Right.  
3 A. And he wanted -- I was leaving  
4 and he goes, "I want the jacket." So I gave  
5 him the jacket off my back.  
6 Q. So you went back out. Who did  
7 you pass, if anybody, on your way out?  
8 Well, Carter had already --  
9 A. Well, there was only Joe and  
10 Kevin left.  
11 Q. Right. So you passed Joe and  
12 Kevin. Did you say anything to them on your  
13 way out?  
14 A. No.  
15 Q. Okay.  
16 A. Because, actually, as I was  
17 walking out, they were walking in.  
18 Q. Okay. Now where did you go from  
19 there?  
20 A. Oh, I'm sorry. One more thing.  
21 Q. Sure.  
22 A. If I could add. Hesse said that  
23 he made arrangements for a water taxi. "Ty  
24 Bacon's on the other side. He's going to  
25 come over with it, and then you guys can

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1 F. Fiorillo  
2 leave the island." That's what he said.  
3 That was the last thing he said.  
4 Q. And where did you go from the  
5 boathouse?  
6 A. We went back to Bay Shore.  
7 Q. Well, did you wait -- no --  
8 A. Oh, we had to wait for Ty Bacon  
9 to come over the bay.  
10 Q. Right.  
11 A. The water taxi was there, and by  
12 that time, Joe was fired and Kevin was  
13 fired.  
14 Q. So they met you where the water  
15 taxi was going to go? Well, let me ask  
16 you --  
17 A. Yeah. Yeah. We all walked to  
18 the water taxi, but not together.  
19 Q. Okay. Fine. So you didn't wait  
20 for Kevin and Joe?  
21 A. Well, we weren't running. You  
22 know what I mean?  
23 Q. Right.  
24 A. We were just -- we walked to the  
25 water taxi.

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1 F. Fiorillo  
2 Q. Now what did Carter say to you  
3 about what Nof -- what Hesse said to him?  
4 Well, withdrawn. Did Carter advise you  
5 before you got on that water taxi what Hesse  
6 had said to him?  
7 A. No. We were just talking about  
8 the whole aspect of what just happened, but  
9 not anything in particular.  
10 Q. Did Lamm advise you what Hesse  
11 said to him in the boathouse?  
12 A. Nobody did.  
13 Q. No one did?  
14 A. We weren't talking about anything  
15 that he said in particular. We just talked  
16 about what we just went through as far as  
17 going over there and what happened and how  
18 we left.  
19 Q. Okay. Now where, in your  
20 opinion, did Hesse call you a dishonest man  
21 on April 2, 2006?  
22 A. Well, we were told by Chris --  
23 well, "we" -- Kevin had a communication with  
24 Chris Moran who was in the boathouse at the  
25 time of the meeting. Chris Moran was a

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1 F. Fiorillo  
2 dispatcher.  
3 Q. Okay.  
4 A. Okay? Follow me?  
5 Q. When you say "meeting," there was  
6 another meeting then?  
7 A. Our -- our -- our meeting was  
8 not a meeting.  
9 Q. Okay.  
10 A. Okay?  
11 Q. Got it.  
12 A. They had their meeting, the  
13 department meeting after we were fired.  
14 Q. Um-hum.  
15 A. That's the way it went. That was  
16 the progression.  
17 Q. Okay. Fine. So at this  
18 department meeting --  
19 A. Chris Moran was attending the  
20 meeting, okay, and he relayed back to Kevin  
21 what was said in the meeting.  
22 Q. And what did Chris tell Kevin?  
23 A. From what Kevin told me --  
24 Q. Right. Exactly.  
25 A. That Chris said, Chris said that



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1 F. Fiorillo  
2 he called us rats, and you know, he -- Chris  
3 Moran said that, um -- you want to know just  
4 what Hesse said?  
5 Q. Yeah. Because you're alleging  
6 that Hesse defamed you.  
7 A. Exactly.  
8 Q. Right.  
9 A. He said that we were the ones  
10 that were the problems in the police  
11 department and -- Kevin would be the person  
12 to ask because he got it straight from  
13 Chris. I'm only paraphrasing.  
14 Q. Well, that's what I'm asking you.  
15 A. Yeah.  
16 Q. Now so --  
17 A. He said that we were mutts. We  
18 were the rats. We were the Civil Service  
19 rats.  
20 Q. Okay.  
21 A. Chris hasn't -- you know, he was  
22 there.  
23 Q. Okay.  
24 A. He also told us what other  
25 members in the meeting did when Hesse told

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1 F. Fiorillo  
2 them that we were fired.  
3 Q. What did they do?  
4 A. Richie Bosetti said "it's about  
5 time" and he cheered. And Chris said that  
6 Richie said that Hesse should pay him for --  
7 I don't know how to -- let me just think  
8 about this. Chris said that Richie said --  
9 let's see. Hesse said to Richie that he  
10 should pay him for what he just did.  
11 Q. Now what did Chris tell Kevin  
12 that Hesse said that leads you to the  
13 allegation that Hesse called you a dishonest  
14 man?  
15 MR. GOODSTADT: Objection.  
16 Other than what he's testified to?  
17 Q. Okay. Other than what you've  
18 testified to.  
19 A. Well, I can only tell you what --  
20 Kevin got it firsthand.  
21 Q. I understand that.  
22 A. So I'm only --  
23 Q. I'm asking what Kevin told you.  
24 A. From what I remember, this is  
25 what I remember.

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1 F. Fiorillo  
2 Q. Um-hum.  
3 A. That what I just said is  
4 basically what I remember.  
5 Q. Okay. What about B, "Plaintiffs  
6 had conspired to inculcate innocent police  
7 officers for acts of brutality against  
8 innocent citizens (April 2, 2006)." What  
9 does that mean, to the extent you know?  
10 A. This is what Hesse said, is this  
11 what you're telling me?  
12 Q. I'm asking you what is meant by  
13 subparagraph B, what I just read. I didn't  
14 write this. And if you don't know, then you  
15 don't know. That's -- that's fine, too. "I  
16 don't know" is a legitimate answer.  
17 A. Well, Hesse blamed us for being  
18 the Civil Service rats in order to get all  
19 the uncertified officers removed from the  
20 police department.  
21 Q. Yeah, sir, but B doesn't refer to  
22 that. B refers to --  
23 MR. GOODSTADT: Yeah. You're  
24 looking at C.  
25 A. What is it, B?

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1 F. Fiorillo  
2 Q. B.  
3 A. Oh. I'm looking at C. I'm  
4 sorry.  
5 Q. Okay.  
6 A. Okay. Let's see. (Reviewing).  
7 Oh, okay. This had to do with the Halloween  
8 incident. How -- how Hesse -- Hesse blamed  
9 us for trying to, um, get basically Gary  
10 Bosetti fired from the -- from the Halloween  
11 incident. Because he thought that we were  
12 conspiring against Gary Bosetti and Richie  
13 Bosetti, but Gary Bosetti because he was  
14 directly involved, and that was his  
15 allegation against us.  
16 Q. Now did Kevin Lamm tell you that  
17 Chris Moran said that George Hesse made  
18 comments about this issue on April 2, 2006?  
19 A. You'll have to ask Kevin. I  
20 don't remember.  
21 Q. That's perfect. With regard to  
22 C, did Kevin Lamm tell you that Chris Moran  
23 told him that Hesse made references in that  
24 organizational meeting to what's set forth  
25 in paragraph -- in subparagraph C?

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1 F. Fiorillo  
2 A. Kevin said they talked about --  
3 they talked about that at the meeting, so.  
4 Q. But you don't know  
5 specifically -- do you recall specifically  
6 what Lamm said Moran told him?  
7 A. Not specifically.  
8 Q. Okay. Let's look at E, because I  
9 don't think you -- I need to talk to you  
10 about Kevin Lamm being a loser. E says "by  
11 repeatedly advising prospective employees  
12 that he had terminated Plaintiffs for cause,  
13 that Plaintiffs were litigious and that he  
14 could not comment favorably on Plaintiffs'  
15 performance as police officers," do you see  
16 that?  
17 A. This is C?  
18 Q. This is E.  
19 A. E?  
20 Q. Yeah.  
21 A. Wait a second.  
22 Q. 164E at the bottom. D talks  
23 about Kevin Lamm being a loser.  
24 A. Oh, okay. It looks like C.  
25 Okay. I got it. I got it (reviewing).

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1 F. Fiorillo  
2 Well, this has to do with the meeting in  
3 Ocean Beach?  
4 Q. Sir, I didn't write this.  
5 A. No. You would -- okay.  
6 Q. Do you see what was written in E?  
7 A. (Reviewing).  
8 Q. Tell me when you're done reading  
9 E.  
10 A. Okay. (Reviewing). Well, this  
11 has to do with the job applications.  
12 Q. Yeah. I just wanted you to tell  
13 me when you were done with E?  
14 A. Okay.  
15 Q. Now my question to you, sir, is  
16 which -- which entity for which you  
17 submitted an application for, did Hesse  
18 advise that you were terminated for cause?  
19 A. Well, I would think Southampton  
20 Town.  
21 Q. And that's based upon what you've  
22 testified to concerning what Mr. Foster told  
23 you?  
24 A. Yes.  
25 Q. We don't need to go over that

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1 F. Fiorillo  
2 again, do we?  
3 A. No.  
4 Q. Nothing you want to add to that  
5 about what Foster said?  
6 A. I mean, that was the sum and  
7 substance of the conversation.  
8 Q. Perfect. Any other entity that  
9 you claim Hesse advised that you were  
10 terminated for cause?  
11 A. Well, I don't know the -- I don't  
12 know if there was. There could have been.  
13 Q. But you don't know?  
14 A. Based on what happened with  
15 Southampton Town, I would say there's a good  
16 possibility that might have happened.  
17 Q. But you don't know?  
18 A. I don't know.  
19 Q. Great. What entity did Mr. Hesse  
20 say -- what entity concerning an application  
21 that you made did Hesse advise that you were  
22 litigious?  
23 A. I don't think that had to do with  
24 me.  
25 Q. Okay. What entity did Hesse --

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1 F. Fiorillo  
2 A. It could -- it could have --  
3 let's see. I'm trying to think.  
4 Q. That you know. Not that it could  
5 have happened. That you know.  
6 A. Well, it basically stopped me  
7 from applying for Collier County because  
8 Mr. Donahoe said that the reference that he  
9 got from Hesse is that Joe was suing the  
10 department.  
11 Q. So Donahoe -- Donahoe told you  
12 that, is that your testimony, because I  
13 don't think you said that the last time?  
14 A. No. Donahoe didn't tell me that.  
15 Q. Oh, okay.  
16 A. No.  
17 Q. Donahoe told Nofi and Nofi told  
18 you?  
19 A. Yeah.  
20 Q. Okay. That's your testimony.  
21 A. Because Donahoe called Chief  
22 Paridiso.  
23 Q. Oh. And what -- what did Nofi  
24 tell you that Donahoe said about Chief  
25 Paridiso?

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1 F. Fiorillo  
2 A. No. Chief -- Donahoe called  
3 Chief Paridiso.  
4 Q. Right.  
5 A. And talked to the chief about  
6 Joe.  
7 Q. Right.  
8 A. And Donahoe told Chief Paridiso  
9 that Hesse gave Donahoe a very bad reference  
10 about Joe, and Donahoe told the chief that  
11 Joe was suing the department.  
12 Q. Okay.  
13 A. So the chief notified Joe.  
14 Q. Got it. So at least according to  
15 Nofi, Donahoe had reached out to Paridiso?  
16 A. To Hesse first.  
17 Q. At least according to Nofi, sir,  
18 Donahoe had reached out to Paridiso  
19 concerning Nofi's application, right?  
20 A. Yes.  
21 Q. So my question to you is very  
22 simple, sir. What law enforcement agency do  
23 you contend that Hesse, as it relates solely  
24 to you, said that you were litigious?  
25 A. Um, I don't know.

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1 F. Fiorillo  
2 Q. Okay. Let's go to the next page,  
3 same cause of action, paragraph 168. What  
4 mental -- well, 168 refers to you suffering  
5 severe mental anguish and pain, do you see  
6 that?  
7 A. Yes.  
8 Q. What severe mental anguish and  
9 pain have you suffered as a result of what  
10 you allege Chief Hesse and the OBPD did as  
11 set forth in 164?  
12 A. Well, it was -- I suffered  
13 severe mental anguish ever since April 2,  
14 2006 until today. I'm still going through  
15 it.  
16 Q. Describe your severe mental  
17 anguish for me and pain.  
18 A. Look at me. Am I happy? I'm a  
19 fired police officer who couldn't get a  
20 police officer job since then.  
21 Q. I don't know if you're happy,  
22 sir. I'm asking you to describe your severe  
23 mental anguish and pain.  
24 A. Well, my mental anguish is that  
25 I'm always constantly thinking about that

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1 F. Fiorillo  
2 day. It's in my mind. It pains me.  
3 Q. Have you sought --  
4 A. It affected me.  
5 Q. Are you finished?  
6 A. No, I'm not finished.  
7 Q. Then keep going.  
8 A. My -- my mental anguish is that I  
9 had to tell my son, okay, that I was fired  
10 as a police officer, okay? You know what  
11 that's like?  
12 Q. How old is your son?  
13 A. 23.  
14 Q. How old was he when you had to  
15 tell him that you were fired as a police  
16 officer?  
17 A. 20. Well, yeah.  
18 Q. Okay.  
19 A. But -- but still, age has nothing  
20 to do with it.  
21 Q. Okay. Have you --  
22 A. It's just that he looked up --  
23 you know, he looked up to me, okay? I -- I  
24 worked full time. I went through a police  
25 academy for seven months. It was -- it was

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1 F. Fiorillo  
2 something that I showed him if you try hard,  
3 you can just about do anything you want if  
4 you really try.  
5 Q. You worked full time for Ocean  
6 Beach?  
7 A. No. I worked full time for  
8 another company while I went through the  
9 academy.  
10 Q. Okay. Now have you sought the  
11 assistance of any medical professional with  
12 regard to your alleged severe mental anguish  
13 and pain?  
14 A. No. I don't even have health  
15 insurance.  
16 Q. Have you sought the advice of a  
17 priest or rabbi or any religious leader with  
18 regard to your severe mental anguish and  
19 pain?  
20 A. It's funny you should say that.  
21 I was thinking about that yesterday. God's  
22 honest truth.  
23 Q. Going to a rabbi?  
24 A. No.  
25 Q. Priest?

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1 F. Fiorillo  
2 A. Priest.  
3 Q. Well, have you?  
4 A. Well, I was thinking about it  
5 yesterday because I'm just -- I'm so  
6 distraught over what I'm going through right  
7 now, you can't -- you can't even begin to  
8 imagine what I'm going through.  
9 Q. So have you?  
10 A. I haven't as of today.  
11 Q. Okay. What indignity have you  
12 suffered as a result of the defamatory  
13 comments you say Hesse and the police  
14 department published?  
15 A. Well, they published a blog,  
16 okay?  
17 Q. Who did?  
18 A. The Ocean Beach Police  
19 Department.  
20 Q. They actually have a blog under  
21 the title --  
22 A. Ocean Beach -- it's -- it's  
23 under -- it's in the Schwartz Report on Long  
24 Island Politics.  
25 Q. Okay.

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1 F. Fiorillo  
2 A. And they have a blog in police  
3 issues.  
4 Q. So, when you say the police  
5 department posted a blog, there is not a --  
6 a blog created by the Ocean Beach Police  
7 Department, this was a different website in  
8 which people could blog certain entries,  
9 right, the Schwartz Report?  
10 A. No. No. No. In other words,  
11 the police department could have started the  
12 blog, okay? I don't know who started the  
13 blog.  
14 Q. Oh, okay. That -- that's fine.  
15 So when you referred to the blog being  
16 created by the Ocean Beach Police  
17 Department, you don't really know if they  
18 did that or not?  
19 MR. GOODSTADT: Objection.  
20 A. Well, according to -- according  
21 to, um, according to Tommy Snyder who had a  
22 meeting with George Hesse at the police  
23 station after he was fired, because he got  
24 fired subsequent to us getting fired --  
25 Q. Okay.

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1 F. Fiorillo  
2 A. He had a meeting with George  
3 Hesse, and they were discussing the blog,  
4 and George Hesse told Tommy Snyder that it  
5 was the police department that was blogging  
6 and Ty Bacon was one of the police officers  
7 in the department that was doing a lot of  
8 it.  
9 Q. Okay. So this is not Hesse  
10 telling you, this is Snyder telling you that  
11 Hesse told him?  
12 A. This is -- when Snyder had a  
13 meeting with Hesse, Hesse told Snyder about  
14 them blogging at the police department.  
15 Q. And have you ever looked at the  
16 blog?  
17 A. Yes.  
18 Q. Can you identify by name -- well,  
19 does any name appear on the blog identifying  
20 the person writing it?  
21 MR. GOODSTADT: Objection.  
22 A. Is there any name identifying the  
23 person?  
24 Q. Yeah. For instance, does it  
25 say --

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1 F. Fiorillo  
2 A. It has --  
3 Q. Does it say "written by Ty  
4 Bacon"?  
5 A. No. But it has code words,  
6 numbers, such and such. You know.  
7 Q. So based upon code words and  
8 numbers, you presume --  
9 A. No. No. I'm not presuming  
10 anything.  
11 Q. -- you can identify who wrote it?  
12 MR. GOODSTADT: Objection.  
13 A. Well, um, we can pick some out  
14 and have a pretty good idea of -- of who --  
15 who would write whatever blog that was  
16 posted.  
17 Q. But you can't tell from the  
18 posting with -- with 100 degree certainty --  
19 A. No.  
20 Q. -- who wrote it?  
21 A. No.  
22 Q. Right. And did you ever write a  
23 blog?  
24 A. No.  
25 Q. Now you raised the issue with the

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1 F. Fiorillo  
2 health insurance. Did you have health  
3 insurance when you worked for the Village?  
4 A. Ocean Beach?  
5 Q. Yeah.  
6 A. No.  
7 Q. Okay. So the fact that you don't  
8 have any health insurance isn't -- isn't  
9 related in any degree to your loss of the  
10 job at Ocean Beach, was it?  
11 A. No. But you asked me if I was  
12 seeking any medical --  
13 Q. I understand.  
14 A. -- professional. That kind of  
15 thing.  
16 Q. And have you been diagnosed with  
17 any mental disease or defect in conjunction  
18 with your alleged severe mental anguish and  
19 pain?  
20 A. I haven't gone to anybody.  
21 Q. So you haven't been diagnosed?  
22 A. Exactly.  
23 Q. Let's look at the Eighth Cause of  
24 Action, "New York Civil Service Law 75-B"  
25 which is on page 37.

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1 F. Fiorillo  
2 A. (Reviewing).  
3 Q. Now in paragraph 155, which is  
4 the bottom of 37, you've alleged as follows,  
5 "Defendants' termination of Plaintiffs'  
6 employment was a 'adverse personnel action'  
7 taken in violation of New York Civil Service  
8 Law 75-B on the sole basis that Plaintiffs  
9 each disclosed what they reasonably believed  
10 to be 'improper governmental action' as that  
11 term is defined in New York Civil Service  
12 Law 75-B." What improper governmental  
13 action, other than what you've already  
14 testified today, do you allege that you  
15 complained about?  
16 MR. GOODSTADT: Objection.  
17 A. I think this is a legal question  
18 that I don't know what the legal -- legality  
19 of it is of New York Civil Service Law 75-B.  
20 Q. I'm not asking you about the  
21 legality of that. There's a phrase used,  
22 "improper governmental action."  
23 MR. GOODSTADT: Which is  
24 defined in the statute.  
25 Q. What, in your opinion, did you

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1 F. Fiorillo  
2 disclose that you characterize as "improper  
3 governmental action"?  
4 MR. GOODSTADT: Objection.  
5 Q. Other than what you've testified  
6 today?  
7 A. We feel that --  
8 Q. Not "we."  
9 A. Me. I feel --  
10 Q. Okay.  
11 A. -- that Ocean Beach and Civil  
12 Service, um, handled the situation  
13 improperly, and if it was handled properly,  
14 I don't think we would be sitting here at  
15 this table today. That's my opinion.  
16 Q. Let me just see the answer.  
17 (Reviewing). So you're referring to the  
18 certification qualification issue?  
19 A. I'm referring to the  
20 certification qualification issue because  
21 that was ultimately what got us fired, in  
22 my -- in my opinion.  
23 Q. Really? Your complaints about  
24 that?  
25 A. Yeah, my complaints about that.

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1 F. Fiorillo  
2 Q. And just again, when did you  
3 first start complaining about that issue?  
4 A. It was -- well, it wasn't so  
5 much me complaining about the issues. It  
6 was the longevity of the police officer --  
7 or the civilians working as police officers  
8 for a prolonged period of time that caused  
9 us to be fired, because if -- I got to tell  
10 you, if the Bosettis were not certified,  
11 okay, they shouldn't have been working in  
12 Ocean Beach. That Halloween fight would  
13 have never happened and we would have had  
14 our jobs. So it stems -- it's like a  
15 domino effect that -- that uncertified  
16 personnel in Ocean Beach.  
17 Q. Okay.  
18 A. It affected us that way.  
19 Q. Just so I'm clear, did you ever  
20 complain to the Civil Service Department of  
21 Suffolk County with regard to the issue  
22 concerning uncertified, unqualified officers  
23 working there?  
24 A. I didn't have to complain. Ocean  
25 Beach knew about it. It was well known.



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1 F. Fiorillo  
2 Q. I'm asking did you ever complain?  
3 A. Well, I didn't -- no. Sorry.  
4 Q. Did you ever complain to the  
5 Suffolk County District Attorney's office on  
6 this issue specifically?  
7 A. Afterwards.  
8 Q. Yeah. I'm talking before the  
9 last day of your employment?  
10 A. No.  
11 Q. Did you ever complain to the  
12 Village board?  
13 A. No.  
14 Q. Did you ever complain to  
15 Loeffler?  
16 A. What do you mean, before or  
17 after?  
18 Q. Always before April 2.  
19 A. Well, my testimony represents  
20 what --  
21 Q. Okay. That's fine. And you  
22 certainly never complained to a media outlet  
23 about this?  
24 A. No.  
25 Q. Okay. Now let's go to a -- how

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1 F. Fiorillo  
2 much time do I have left?  
3 THE VIDEOGRAPHER: 15.  
4 MR. NOVIKOFF: 15? I think --  
5 I think I can get it done in 15.  
6 MS. ZWILLING: I'm still going  
7 to have a few questions.  
8 MR. NOVIKOFF: Oh, yeah. Yeah.  
9 I'm going to try to get through the  
10 rest of this stuff pretty quickly.  
11 Q. Turn to page -- let's see --  
12 paragraph 58, which is on page 15, you write  
13 in paragraph 58 that "in yet another example  
14 of corruption at the OBPD in early September  
15 2004, Officers Dyer and Fiorillo witnessed  
16 Officer Richard Bosetti plying an alleged  
17 domestic abuse victim with alcohol. Officer  
18 Dyer explained to Officers Snyder and  
19 Bockelman that Bosetti was "trying to talk  
20 (the victim) out of filing a domestic  
21 incident report," do you see that?  
22 A. Yes. Yes, I do.  
23 Q. Now what did you mean by  
24 "plying"?  
25 A. By -- excuse me?

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1 F. Fiorillo  
2 Q. By the use of the word "plying,"  
3 P-L-Y-I-N-G, what did you mean?  
4 MR. GOODSTADT: Objection.  
5 A. Well, he was -- he was actually  
6 feeding her, um, wine.  
7 Q. How many glasses?  
8 A. One glass that I saw when I was  
9 there.  
10 Q. How big was the glass?  
11 A. It was a cup. (Indicating). It  
12 wasn't --  
13 Q. And did she drink the whole cup?  
14 A. I don't know if she drank the  
15 whole cup, but she was definitely drinking.  
16 Q. Do you know how much of the cup  
17 she drank?  
18 A. At least half.  
19 Q. Okay. How many ounces?  
20 A. It was about a 12 ounce cup.  
21 Q. And he filled it to the top?  
22 A. No. It wasn't to the top.  
23 Q. Okay.  
24 A. It was about three quarters  
25 actually.

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1 F. Fiorillo  
2 Q. And did this violate any  
3 regulation or procedure as an officer of  
4 Ocean Beach, that you're aware of?  
5 A. Well, first of all, this -- this  
6 person was beaten up by her boyfriend and  
7 he's feeding her wine? He's -- he actually  
8 got wine for her to drink to try to calm her  
9 down.  
10 Q. Okay. So Mr. Bosetti got wine --  
11 A. He didn't call -- he's giving her  
12 wine instead of calling for rescue.  
13 Q. As you say, to try to calm her  
14 down, right?  
15 A. Well, calm her down or --  
16 Q. Well, what made you say that he  
17 did it to calm her down?  
18 A. That's what I'm saying. I don't  
19 know what he did it for.  
20 Q. Okay.  
21 A. I mean, she was -- she was  
22 distraught.  
23 Q. Okay. I'll accept what you said,  
24 that, in your opinion, he was giving her  
25 wine to calm her down. Here's my question,

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1 F. Fiorillo  
2 sir, is that proper police procedure?  
3 A. No.  
4 Q. And did he -- did the victim  
5 ever file a report, to your knowledge?  
6 A. Well, ultimately, the boyfriend  
7 was arrested shortly thereafter.  
8 Q. Okay. So presumably she filed a  
9 report, right?  
10 A. Yeah. I wasn't on this call as  
11 far as the field report.  
12 Q. Okay.  
13 A. So.  
14 Q. And it wasn't proper procedure to  
15 give a victim wine as you state. My  
16 question, sir, did you complain to George  
17 Hesse about this?  
18 A. No. The chief knew about it.  
19 Q. How did the chief know about it?  
20 A. He was right there in the morning  
21 when we went to arrest her boyfriend.  
22 Q. Did you tell the chief what  
23 Bosetti did?  
24 A. Yes. He knew.  
25 Q. Well, I'm asking you, did you

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1 F. Fiorillo  
2 tell the chief?  
3 A. Yes. Yes.  
4 Q. So this is another example where  
5 you bypassed Mr. Hesse and you told  
6 Mr. Paradiso?  
7 A. Mr. Hesse wasn't there.  
8 Q. I understand that. But Mr. Hesse  
9 was your immediate superior, wasn't he?  
10 A. Yeah, but the chief --  
11 Q. Was Mr. Hesse your immediate  
12 superior?  
13 A. When he was working there. But  
14 he wasn't working there. That's what I'm  
15 trying to say. The chief was the supervisor  
16 in the morning.  
17 Q. And what did you say to  
18 Mr. Paradiso?  
19 A. That Richie Bosetti was --  
20 offered, um, Lisa Campbell a cup of wine and  
21 she was drinking wine in the station.  
22 Q. And what did Mr. Paradiso say?  
23 A. He said he was going to take that  
24 up with Richie Bosetti.  
25 Q. Okay. Well, turn to 159, sir,

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1 F. Fiorillo  
2 paragraph -- on page 38.  
3 A. Right.  
4 Q. Here you state with regard to all  
5 of the issues in 158, that "Plaintiffs  
6 repeatedly notified Hesse, their superior  
7 and directed supervisor, of these violations  
8 of laws, rules and regulations," do you see  
9 that?  
10 A. Where are we?  
11 Q. 158 at the bottom.  
12 A. Wait. What page?  
13 Q. On page 38.  
14 A. Okay. But he wasn't working that  
15 night.  
16 Q. Sir, I'm just looking at 159  
17 right now. You've alleged --  
18 A. But this is in reference to what  
19 you --  
20 Q. Sir, you write, "Plaintiffs  
21 repeatedly notified Hesse, their superior  
22 and direct superior, of these violations of  
23 laws, rules and regulations," do you see  
24 that?  
25 A. But this --

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1 F. Fiorillo  
2 Q. Yes or no, do you see that?  
3 A. I see that.  
4 Q. You don't mention Paradiso there,  
5 right? Yes or no?  
6 A. I have an explanation.  
7 Q. You don't --  
8 A. I don't.  
9 Q. And you don't qualify this by  
10 saying only when Hesse was on duty, do you?  
11 A. No. Because when I was working,  
12 Hesse wasn't working. I was working on  
13 the -- on the chief's tour.  
14 Q. All the time?  
15 A. Almost all the time.  
16 Q. Okay. So then 159 wouldn't  
17 really apply to you?  
18 A. Well, that's what I was trying --  
19 that's why I wanted to explain that to you.  
20 Q. So 159 would not really apply to  
21 you?  
22 A. Generally, almost -- almost  
23 never. Only on certain instances.  
24 Instances when I worked maybe four hours or  
25 five hours on an overlap shift.

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1 F. Fiorillo  
2 MR. GOODSTADT: Just so we're  
3 clear what he's answering to, what part  
4 of 159? The fact that he repeatedly  
5 notified Hesse or the fact that Hesse  
6 was his superior and direct supervisor?  
7 MR. NOVIKOFF: I asked the  
8 question and I think it was clear.  
9 MR. GOODSTADT: I don't think  
10 it's clear.  
11 A. For the most part, the chief was  
12 my supervisor because I worked his tour.  
13 Q. Okay. Then let's go on to  
14 paragraph 36. You allege in paragraph 36  
15 that --  
16 A. Paragraph 36?  
17 Q. Yeah. On page nine.  
18 A. Hold on.  
19 Q. Did you ever complain to Hesse  
20 about leaving the Village dangerously short  
21 of personnel?  
22 MR. GOODSTADT: Let him get to  
23 the paragraph.  
24 MR. NOVIKOFF: Okay. You got  
25 it.

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1 F. Fiorillo  
2 A. Yes. When we -- when we had to  
3 take -- as I said before in my testimony,  
4 when we had to take the, um, officers from  
5 Ocean Beach to the checkpoint.  
6 Q. Okay. So you've testified about  
7 that already I think?  
8 A. Yeah.  
9 Q. Okay. And did you complain to  
10 Paridiso about that as well?  
11 A. Yes.  
12 Q. And when was the first time that  
13 you remember complaining to Hesse about  
14 this?  
15 A. When -- there was one night in  
16 particular where Walter Muller was --  
17 Q. I'm just asking you about the  
18 year, sir.  
19 A. Oh, the year? I would say that  
20 might have been 2000 --  
21 Q. The first time that you  
22 complained.  
23 A. That was probably 2003 with  
24 Walter Muller.  
25 Q. Okay. Now in -- did you ever

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1 F. Fiorillo  
2 chauffeur George Hesse to, um, a sexual  
3 encounter?  
4 A. Yes, I did.  
5 Q. When?  
6 A. In 2004.  
7 Q. And how do you know it was a  
8 sexual encounter?  
9 A. Because he told me about it.  
10 Q. What did he ask you to do?  
11 A. He told me to take him to Andrea  
12 Nimberger's house on Wilmot Road.  
13 Q. That's on -- in the Village?  
14 A. In the Village of Ocean Beach.  
15 Q. Was he on duty at the time?  
16 A. Yes.  
17 Q. And did you -- is that proper  
18 procedure for an on duty police officer to  
19 go to a resident's home and have sex with  
20 them?  
21 A. I don't think so.  
22 Q. He told you he was having sex?  
23 A. Yes. He bragged about it.  
24 Q. And did you tell Chief Paridiso  
25 about this?

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1 F. Fiorillo  
2 A. No.  
3 Q. Did you tell anyone about this?  
4 A. No.  
5 Q. Why not?  
6 A. Well, to be honest with you, I  
7 think if I told anybody about it, I was  
8 going to -- my job would be in jeopardy.  
9 Q. Did he say to you "if you tell  
10 anyone about this, you're fired"?  
11 A. No. But --  
12 Q. Yes or no?  
13 A. George Hesse has a -- no.  
14 Q. Okay. Let's look at paragraph  
15 61. When did Mr. Hesse order you to spend  
16 three consecutive shifts standing motionless  
17 beneath a streetlight at the intersection of  
18 Dehnhoff Walk and Bay Walk?  
19 A. Hold on a second. Page 16?  
20 Q. Page 16.  
21 A. Okay. This was the -- this was  
22 in conjunction with the filing cabinet  
23 incident in the bay. There was a sequence  
24 of events that happened. The filing cabinet  
25 was thrown in the bay. I didn't help Richie

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1 F. Fiorillo  
2 Bosetti get it out of the bay.  
3 Q. Um-hum.  
4 A. I came back to work that night.  
5 I was working an eight -- eight to eight.  
6 Q. Okay.  
7 A. Okay? 8:00 at night to 8:00 the  
8 next morning. And it was about 20 after  
9 seven. We were -- "we" meaning myself,  
10 George Hesse, Paul Corallo and John Dyer --  
11 were in the police vehicle going to Ocean  
12 Beach to go on duty. And he instructed me  
13 that when we got back to the station, he  
14 wanted me to clean the truck.  
15 Q. Okay. Continue.  
16 A. So what --  
17 Q. Because I presume you said  
18 something that caused him to punish you?  
19 MR. GOODSTADT: Objection.  
20 Q. All right. Continue.  
21 A. Because what happened was we were  
22 on the -- we were going on the beach to  
23 the -- we were going through the cut on the  
24 beach going to Ocean Beach. So I said,  
25 "Wait a second." I said, "I just cleaned

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1 F. Fiorillo  
2 the station last night." I said, "Why don't  
3 you just spread it around." I said, "It's  
4 just not fair for me to -- you know, I  
5 cleaned the station. I took everything up.  
6 The filing cabinet wound up in the bay and  
7 here I am you want me to clean the truck.  
8 The dock masters usually clean the truck."  
9 So what happened was he got  
10 offended with me because I voiced my opinion  
11 in front of Paul Corallo and John Dyer, and  
12 then not that night, but my next tour -- my  
13 next three tours, he stuck me under the  
14 light and he said, "That's your post."  
15 Q. And you stood there motionless  
16 for your next three tours?  
17 A. I stayed there.  
18 Q. Yeah. But motionless?  
19 A. Just about motionless.  
20 Q. Like the guys from England in  
21 front of the Palace?  
22 A. Just like -- almost like that.  
23 "Stand in that spot and don't move."  
24 Q. You didn't move at all?  
25 A. No.

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1 F. Fiorillo  
2 Q. You didn't go to the bathroom?  
3 A. No, I didn't go to the bathroom.  
4 Q. You didn't eat?  
5 A. Nope. Didn't eat.  
6 Q. He told you you couldn't go to  
7 the bathroom?  
8 A. He didn't tell me I couldn't go.  
9 He told me to stand there. I was afraid I  
10 was going to lose my job at this point. I  
11 did what I was told.  
12 Q. And what year was this?  
13 A. This was 2004.  
14 Q. Okay. During the season?  
15 A. Just before the -- it was just  
16 when Paul Corallo and John Dyer came on as  
17 police officers.  
18 Q. And when was that, right before  
19 the season or right after the season?  
20 A. Well -- well, I think it was  
21 Labor Day -- Memorial Day weekend.  
22 Q. Perfect. Okay. Let's go to  
23 paragraph 86 which is on page 20. When --  
24 okay.  
25 A. Okay.

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1 F. Fiorillo  
2 Q. When did Hesse tell you that he  
3 thought Snyder's report made him sick?  
4 A. Okay. I got a phone call at home  
5 from George Hesse shortly after the  
6 Halloween fight, um, and what he said was he  
7 wanted me to go to -- to write a statement,  
8 go to a Kinko's and fax him the statement.  
9 Q. Okay.  
10 A. So what I said was, "I got to go  
11 to work tonight. There's no way I can do  
12 it." He said, "Well, you got" -- it was,  
13 you know, "I'm here" -- he said, "I'm here  
14 'til like 11:30, whatever it was." He said,  
15 "You got this much time to do it." I said,  
16 "It's impossible. I'm just not going to do  
17 it."  
18 So what happened was that next  
19 day, what I did was in between my stops -- I  
20 used to work for a book company -- so in  
21 between deliveries and stuff, I managed to  
22 hand write a statement based on the  
23 Halloween fight.  
24 Q. Okay.  
25 A. Because he needed my statement.

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1 F. Fiorillo  
2 Q. Okay.  
3 A. So what I did was when I got  
4 home, I called him up. I told him I had the  
5 statement. "What do you want me to do?" He  
6 said, "Meet me at the check -- meet me at  
7 the checkpoint." And what I did was I sat  
8 in his truck. He had my statement. He  
9 showed me Tommy Snyder's statement.  
10 Q. Yeah.  
11 A. So he said, "Here, I want you to  
12 read this." So I read it. So what happened  
13 is he said, "This -- this statement's no  
14 good." I said, "What do you mean?" He  
15 said, "Don't you see how Tommy's" -- this  
16 is in reference to on page 20?  
17 Q. Yes. I know.  
18 A. Okay. Um, this is in reference  
19 to 81?  
20 MR. GOODSTADT: 86.  
21 A. Oh, 86. Okay. Yeah. Snyder's.  
22 That's right.  
23 MR. GOODSTADT: The question is  
24 when did he tell you it makes him sick.  
25 A. Right. Okay. I'm just getting

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1 F. Fiorillo  
2 my timeline -- I gotta get my timeline  
3 straight. Okay. So I'm in his truck. I'm  
4 reading Tommy's statement. That was shortly  
5 thereafter the Halloween fight. The night  
6 that I gave him my statement.  
7 Q. Right. Okay.  
8 A. So what he said was -- um, I was  
9 reading the statement. I read the whole  
10 thing. And he said, "What do you think?" I  
11 said, "Well, that's -- that's what happened.  
12 That's pretty good -- pretty accurate  
13 statement." So he said, "It's not." He  
14 said, "Can't you see how Tommy has it in for  
15 Gary Bosetti? See how he's implicating him  
16 in the fight?" I said, "George, he's not --  
17 if you read this, it doesn't -- it doesn't  
18 say that."  
19 Q. Okay.  
20 A. All right?  
21 Q. So when did he say it made him  
22 sick?  
23 A. That's when he said it made him  
24 sick.  
25 Q. Okay.

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1 F. Fiorillo  
2 A. He said -- he grabbed it. He  
3 goes, "This statement makes me sick." He  
4 said it's -- it was disgusting.  
5 Q. Okay.  
6 A. That's what he told me. And  
7 that's it.  
8 Q. Did George Hesse specifically  
9 ever use the word "cover up" with you with  
10 regard to anything involving the Halloween  
11 incident?  
12 A. Not with me.  
13 MR. NOVIKOFF: How much time  
14 left?  
15 THE VIDEOGRAPHER: One minute.  
16 MR. NOVIKOFF: Why don't we  
17 change tape and I'll see if I have  
18 anything else.  
19 THE VIDEOGRAPHER: This ends  
20 tape number six. The time is 6:02 p.m.  
21 Going off the record.  
22 (A break was taken.)  
23 THE VIDEOGRAPHER: This begins  
24 tape number seven. The time is 6:10  
25 p.m. Back on the record.

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1 F. Fiorillo  
2 Q. Okay. Mr. Fiorillo, hopefully I  
3 will just have a few more questions, and  
4 they're basically regarding what's on page  
5 17 of the Complaint. Just tell me when you  
6 get there.  
7 A. Okay.  
8 Q. Sir, I'm not going to ask you to  
9 read anything yet. Just -- I don't know if  
10 I asked you this, at any point in time  
11 during the Halloween incident that you  
12 investigated, did you take any pictures of  
13 the bar in which the, um, the alleged  
14 incident took place?  
15 A. I didn't.  
16 Q. Did anyone, to your knowledge?  
17 A. Yes. Yes.  
18 Q. When I say "anyone," I mean  
19 Lamm --  
20 A. Pat Cherry.  
21 Q. No. During your initial  
22 investigation that night, did either you,  
23 Snyder or Lamm take pictures of the alleged  
24 crime scene?  
25 A. I don't know that because I -- I



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1 F. Fiorillo  
2 left the scene.  
3 Q. Are you aware, as you sit here  
4 today, as to whether Lamm or Snyder took  
5 pictures?  
6 A. I know pictures were taken of the  
7 bar.  
8 Q. Right. But do you know --  
9 A. I don't know who took them.  
10 Q. But you didn't?  
11 A. I didn't take them.  
12 Q. Okay. Let's look at 65. 65 says  
13 "During Officers Snyder, Fiorillo and Lamm's  
14 initial investigation of the incident,  
15 Officer Richard Bosetti, who was drinking  
16 with his brother Gary Bosetti at the  
17 Halloween party at Houser's Bar, told them  
18 that they 'did not understand' what had  
19 happened and then refused to answer further  
20 questions about either the incident or his  
21 brother, Officer Gary Bosetti's whereabouts,  
22 and also refused to assist in the  
23 investigation," do you see that?  
24 A. Yes.  
25 Q. Did you speak to Richard Bosetti

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1 F. Fiorillo  
2 about what's alleged in paragraph 65 that  
3 night during your initial investigation  
4 during your first tour?  
5 A. I wasn't with Richie Bosetti.  
6 Q. So then the answer with regard to  
7 you is no?  
8 A. No.  
9 Q. Did -- with regard to the  
10 acknowledgment in paragraph 65 that Gary  
11 Bosetti -- that you didn't know what Gary  
12 Bosetti's whereabouts were, did you -- were  
13 you discussing it with anybody with regard  
14 to the whereabouts of Mr. Bosetti that  
15 night?  
16 A. We had no idea where his  
17 whereabouts were.  
18 Q. Well, did you discuss with Lamm  
19 or with Snyder the fact that Gary Bosetti  
20 was still on the island, but you didn't know  
21 where his whereabouts were?  
22 A. We didn't know if he was still on  
23 the island.  
24 Q. Well, did you have any  
25 discussions with Lamm or Snyder during that

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1 F. Fiorillo  
2 morning, before the end of your first shift,  
3 as to where Gary Bosetti was?  
4 A. At this point in time, we didn't  
5 know that Gary Bosetti was involved in the  
6 fight. It was only when the -- when the,  
7 um, one of the victims pointed him out when  
8 the chief was, um -- it appeared to be that  
9 Gary Bosetti was the person in the fight.  
10 But we didn't know it.  
11 Q. Well, according to 65, as I read  
12 it, Richard Bosetti advised one of you guys,  
13 Snyder or Lamm or you, that Gary Bosetti was  
14 involved in the fight?  
15 A. Yeah. But we couldn't -- okay.  
16 Q. Do you agree with me, that's  
17 how --  
18 A. Yes.  
19 Q. -- it looks like --  
20 A. No. I follow you. I understand  
21 now.  
22 Q. Right. So if during the initial  
23 investigation before Chief Paridiso came on  
24 to the island --  
25 A. Okay.

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1 F. Fiorillo  
2 Q. -- did you, Fiorillo, or Snyder  
3 have a conversation with Richard Bosetti  
4 about his brother being involved in the  
5 fight, my question to you is did either you,  
6 Snyder or Lamm have any discussions that  
7 evening about the whereabouts of Gary  
8 Bosetti, that you can recall? And if you  
9 can't recall, then you can't recall. That's  
10 fine.  
11 A. Let me just think of how -- of  
12 how this happened. Okay. Tommy asked  
13 Richie, "Where's your brother?" That's what  
14 happened.  
15 Q. Okay.  
16 A. And Richie said he didn't know.  
17 Q. And was that in your presence?  
18 A. Yes. I heard that. That's why  
19 I'm telling you. I heard that.  
20 Q. And why did Tommy ask Richie that  
21 question, to the best of your understanding?  
22 A. Because from what Tommy told me  
23 later on, Richie said that Gary was the one  
24 who was involved in the fight. So then I  
25 said, "Well, if Gary was involved in the

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1 F. Fiorillo  
2 fight, then why did he leave the scene?"  
3 Q. Okay. And that was certainly  
4 before Paridiso came on?  
5 A. Yeah. Yeah. It was before.  
6 Q. So my question to you is, did any  
7 one of you try to call Gary Bosetti on his  
8 cell phone?  
9 A. I didn't -- I didn't have his  
10 cell phone number.  
11 Q. Did you try to -- did any one of  
12 you three try to inquire with Chief Paridiso  
13 as to Gary Bosetti's cell phone?  
14 MR. GOODSTADT: Objection.  
15 A. Well, the chief did call.  
16 Q. I mean during the evening, during  
17 the initial investigation that morning  
18 before Paridiso came on board?  
19 A. No.  
20 Q. Okay. Did any one of the three  
21 of you ask anyone where Gary Bosetti was  
22 sleeping that night?  
23 A. No.  
24 Q. Okay. Let's look at paragraph  
25 66.

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1 F. Fiorillo  
2 A. Well, I can't say "no" to the  
3 last question because I wasn't at the  
4 station all the time. I -- I don't know.  
5 Q. Let's go to paragraph 66. "In  
6 reaction to Officer Richard Bosetti's  
7 silence, the patrons who remained at  
8 Houser's Bar and had not fled the scene of  
9 the fight, raised concerns of a 'cover up'  
10 by the police department," do you see that?  
11 A. Yes.  
12 Q. Name me who these patrons are.  
13 A. It was the victims. Christopher  
14 Shalick. He's the one that blurted out that  
15 "you guys are going to cover it up."  
16 Q. Oh. So when in paragraph 66,  
17 you're referring to the patrons who remained  
18 at Houser's Bar and had not fled the scene  
19 of the fight, you're referring to  
20 Christopher Shalick?  
21 A. I heard him say that.  
22 Q. Are you referring to anybody  
23 else? I'm trying to understand, patrons to  
24 me --  
25 A. Well, he was a patron in the bar.

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1 F. Fiorillo  
2 Q. Okay.  
3 A. Well, I'm telling you what  
4 happened. I heard him say that to me.  
5 Q. So I'm --  
6 A. Not generally to me. But an  
7 outward statement.  
8 Q. Other than -- other than  
9 Mr. Shalick, did any other patron who  
10 remained at the bar use the word "cover up"?  
11 MR. GOODSTADT: Objection.  
12 A. He was the only one that was --  
13 he was the only one that was very  
14 boisterous.  
15 Q. So the answer would be "no," no  
16 other patron, other than --  
17 A. Well, I wasn't -- I wasn't in the  
18 bar.  
19 Q. Only in your presence, sir.  
20 A. Okay.  
21 Q. The only thing I'm asking you is  
22 in your presence.  
23 A. In my presence.  
24 Q. In your presence?  
25 A. He was the only one.

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1 F. Fiorillo  
2 Q. Was Mr. Shalick the only "patron"  
3 as that word is used in 66, that used the  
4 phrase "cover up"?  
5 A. As far as I know.  
6 Q. Okay. Now 66 says "Officer  
7 Snyder assured the patrons," do you see  
8 that?  
9 A. I think that's what he was  
10 referring to, because he was -- he was  
11 speaking to them, and that's when Shalick  
12 blurted it out. I heard that.  
13 Q. So you heard Snyder assure the  
14 patrons that --  
15 A. That it was not going to be a  
16 cover up. I heard Tommy say that.  
17 Q. And how many patrons were left in  
18 the bar after the fight, to your knowledge?  
19 MR. GOODSTADT: Objection.  
20 A. I was outside. I didn't count  
21 the people inside. But there was -- it was  
22 chaos. There was -- there was people all  
23 over the place.  
24 Q. Okay. Did you, Lamm and Snyder  
25 have any discussions about taking the names

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1 F. Fiorillo  
2 of the witnesses that remained in the bar  
3 that night?  
4 A. Well, I tried getting witnesses  
5 outside the bar.  
6 Q. I'm only asking --  
7 A. And Kevin and Tommy were trying  
8 to do that inside the bar.  
9 Q. And neither you, Tommy or Kevin  
10 got any names of witnesses?  
11 A. Nobody would cooperate with us  
12 that night.  
13 Q. Okay. And paragraph 67, what is  
14 the name of the bartender that's referenced  
15 in paragraph -- of the bouncer that was  
16 referenced in paragraph 67?  
17 A. 67? Shawn O'Rourke.  
18 MR. NOVIKOFF: Okay. Did  
19 you -- withdrawn. I think I'm done.  
20 So whoever wants to go, can go.  
21 MS. ZWILLING: Okay. Do you  
22 want to go or --  
23 MR. CONNOLLY: I'll go first.  
24 Can I have your microphone?  
25 MR. NOVIKOFF: You got it.

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1 F. Fiorillo  
2 EXAMINATION BY  
3 MR. CONNOLLY:  
4 Q. Mr. Fiorillo, earlier today you  
5 testified that on the night of the Halloween  
6 incident, you spoke to Elyse Miller before  
7 the Halloween incident?  
8 A. Yes.  
9 Q. Okay. Where did you speak with  
10 her?  
11 A. She was in front of the station  
12 with Gary Bosetti and Richie Bosetti.  
13 Q. Okay. And what was the sum and  
14 substance of that conversation?  
15 A. She said that Gary drew something  
16 on her breast. Part of her Halloween  
17 costume.  
18 Q. And had you known Elyse Miller  
19 before that night?  
20 A. Yes. She was a, um, a what do  
21 you call it? Like a seasonal renter.  
22 Q. And you had known her for a  
23 couple of years?  
24 A. I've known her -- yeah. At least  
25 two years that I've seen her around. I

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1 F. Fiorillo  
2 mean, she was always around the Village.  
3 Q. Um, can you give me some current  
4 pedigree information? Are you presently  
5 married?  
6 A. Oh, no. No.  
7 Q. Are you divorced?  
8 A. Yes.  
9 Q. Okay. Um, and you mentioned  
10 earlier you had a son?  
11 A. Yes, I do.  
12 Q. Do you have any other children?  
13 A. No.  
14 Q. Okay. And with whom, if anyone,  
15 do you presently reside?  
16 A. No one.  
17 Q. Okay.  
18 A. Just myself.  
19 Q. Are you presently employed?  
20 A. Yes.  
21 Q. By whom?  
22 A. The name of the company is  
23 People's Accident Information Service.  
24 Q. And what does that company do?  
25 A. Security.

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1 F. Fiorillo  
2 Q. And would you be a security guard  
3 with that company?  
4 A. Yes.  
5 Q. Okay. And where would you work?  
6 A. Wherever they send me.  
7 Q. Okay. It would depend upon the  
8 shift?  
9 A. It depends on the location.  
10 Like, um, they have different jobs in  
11 different locations.  
12 Q. And how long have you worked for  
13 People's?  
14 A. Um, I've worked there since I  
15 want to say July of 2007 or -- or late June.  
16 Thereabouts.  
17 Q. And have you held any other  
18 employment?  
19 A. No.  
20 Q. Have you held any employment  
21 since April of 2006?  
22 A. Since April of 2006?  
23 Q. Right.  
24 A. That was the only job.  
25 Q. Since you filed -- withdrawn.

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1 F. Fiorillo  
2 Since the Notice of Claim was filed in your  
3 behalf, have you had any conversations with  
4 Ed Paradiso?  
5 A. Yes.  
6 Q. Okay. On how many occasions have  
7 you spoken to Mr. Paradiso since that time?  
8 A. I would say when I asked him for  
9 the verification letter that I worked in  
10 Ocean Beach for the security guard license.  
11 For -- I spoke to him when his, um, mother  
12 died. I spoke to him when his father died.  
13 And that's it.  
14 Q. On the two occasions you spoke to  
15 him on the death of his parents, did you  
16 discuss anything other than possibly  
17 expressing your sympathy?  
18 A. He wouldn't talk about -- we --  
19 what we did was we had a -- when I say "we,"  
20 um, Kevin, um, Joe -- the five of us, we all  
21 went there to pay our respects, and we  
22 weren't talking about anything that had to  
23 do with Ocean Beach whatsoever.  
24 Q. And when you went there, you  
25 meant the wake?

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1 F. Fiorillo  
2 A. Yeah. At that time, it was just  
3 not a good time.  
4 Q. Earlier when you were testifying  
5 regarding the blog, you said something to  
6 the effect of "we thought we could tell who  
7 wrote the blogs." Who do you mean by "we"?  
8 MR. GOODSTADT: Objection.  
9 A. Well, "we" meaning who the blogs  
10 were directed to. Like Kevin, Tommy, Eddie,  
11 myself and Joe.  
12 Q. Okay. But when you say "we," are  
13 you referring to --  
14 A. Us.  
15 Q. The Plaintiffs?  
16 A. Yeah. Us.  
17 Q. Okay. And did you read the blogs  
18 together?  
19 A. No. Like in other words, you  
20 know, if -- um, it was always separate.  
21 Q. Okay.  
22 A. Because we would talk on the  
23 phone.  
24 MR. CONNOLLY: I have no other  
25 questions. Thank you. Your witness.

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1 F. Fiorillo  
2 EXAMINATION BY  
3 MS. ZWILLING:  
4 MS. ZWILLING: I have just a  
5 few.  
6 Q. Did you post on the blogs?  
7 THE REPORTER: Hold on a  
8 second. We have to switch the mic  
9 over.  
10 Q. Did you post on the blogs?  
11 A. Never.  
12 MR. GOODSTADT: Objection.  
13 It's been asked and answered.  
14 A. Not even once.  
15 Q. Do you know if any of the other  
16 Plaintiffs did?  
17 A. Yes, I do.  
18 Q. Which ones posted on the blogs?  
19 A. Only one. One person that -- in  
20 our group out of the Plaintiffs posted on  
21 the blog.  
22 Q. Who was that?  
23 A. Tommy Snyder.  
24 Q. Do you know what names he posted  
25 under when he posted on the blogs?

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1 F. Fiorillo  
2 A. Wow.  
3 MR. GOODSTADT: It's in the  
4 record already. Tommy Snyder testified  
5 to it.  
6 A. I don't know what name he used,  
7 but I know he posted.  
8 Q. When were you divorced?  
9 A. Officially, March 17 --  
10 St. Patrick's Day 1997.  
11 Q. Have you ever seen Alison Sanchez  
12 at any time, other than the other day at her  
13 deposition and when you met with her in her  
14 office at Civil Service?  
15 A. I saw her on Ocean Beach.  
16 Q. How many times did you see her in  
17 Ocean Beach?  
18 A. Once.  
19 Q. And when was that?  
20 A. Um, let's see. The year I think  
21 was I want to say 2005. She was going over  
22 the records with George Hesse on the, um --  
23 they had a lot of problems with Civil  
24 Service qualification exams with people who  
25 were not certified there and they were

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1 F. Fiorillo  
2 trying to get them certified and it was a  
3 mess.  
4 Q. Have you ever seen her at any --  
5 on any other occasion, other than those  
6 three times?  
7 A. No.  
8 Q. When you saw her in Ocean Beach  
9 going over the records with George Hesse,  
10 did you hear them having any personal  
11 conversation?  
12 A. Did I? No.  
13 Q. Have you ever seen her in George  
14 Hesse's presence at any other time?  
15 A. No.  
16 Q. Other than what Mr. Carter told  
17 you, do you have any basis to believe that  
18 she had on any occasion ever had sexual  
19 relations with George Hesse?  
20 A. Do I have any belief?  
21 Q. Yes.  
22 A. No.  
23 Q. Do you have any reason to believe  
24 that?  
25 A. No.

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1 F. Fiorillo  
2 Q. You heard her testify the other  
3 day that she was a lesbian. Um, when for  
4 the first time did you learn that Alison  
5 Sanchez was a lesbian?  
6 A. We knew this when she came out  
7 and posted it in the Newsday.  
8 Q. And when was that?  
9 A. When she got married.  
10 Q. Was that before or after your  
11 employment was terminated?  
12 A. It was I believe after.  
13 Q. Was it before or after you met  
14 with her at Civil Service?  
15 A. I believe it was after also.  
16 Q. Now are you claiming that Alison  
17 Sanchez gave information to George Hesse  
18 which enabled him to terminate your  
19 employment?  
20 A. I don't know what Alison Sanchez,  
21 um, gave George Hesse, but between the both  
22 of them and Maryanne Minerva, ultimately,  
23 the five of us were fired.  
24 Q. Well, do you have any knowledge  
25 of Alison Sanchez giving any information to

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1 F. Fiorillo  
2 George Hesse which enabled him to terminate  
3 your employment, yes or no?  
4 MR. GOODSTADT: Objection.  
5 A. No.  
6 Q. Are you contending that Alison  
7 Sanchez took action which enabled George  
8 Hesse to terminate your employment, yes or  
9 no?  
10 MR. GOODSTADT: Objection.  
11 A. Yes.  
12 Q. What -- identify for me the  
13 actions taken by Alison Sanchez which  
14 enabled George Hesse to terminate your  
15 employment?  
16 A. Well, ultimately, she took action  
17 with Hesse on trying to get these officers  
18 certified. She also --  
19 Q. I'm asking you only with  
20 respect --  
21 MR. GOODSTADT: Excuse me, he's  
22 answering the question. Let him  
23 answer -- let him finish answering  
24 before --  
25 MS. ZWILLING: Fine. Fine.

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1 F. Fiorillo  
2 A. George Hesse and Alison Sanchez  
3 were involved in, um -- they had knowledge  
4 that these civilians came on to the Ocean  
5 Beach Police Department without being  
6 certified.  
7 Q. Okay. I'm asking about the  
8 termination of your employment.  
9 A. I wasn't finished. The --  
10 ultimately, because of those officers --  
11 those civilians actually not being certified  
12 as police officers until three years later  
13 or thereabouts, that caused a lot of  
14 friction in our department.  
15 If Alison Sanchez did her job, in  
16 my opinion, in 2002, Richie Bosetti and Gary  
17 Bosetti would have had to go through the  
18 same qualifications that I had to go  
19 through, Joe Nofi would have -- that Joe  
20 Nofi went through, Kevin Lamm went through,  
21 Tommy Snyder and Eddie Carter to be  
22 certified.  
23 Q. Are you claiming that Alison  
24 Sanchez took actions in 2006 which enabled  
25 George Hesse to terminate your employment?



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1 F. Fiorillo  
2 A. Yes.  
3 Q. Identify the actions taken by  
4 Alison Sanchez in 2006 which enabled George  
5 Hesse to terminate your employment?  
6 A. She had a meeting with Maryanne  
7 Minerva and George Hesse to -- to find a way  
8 to -- Alison Sanchez relayed the information  
9 to George Hesse and Maryanne Minerva, by her  
10 own admission, because she said she spoke to  
11 them about us before we were fired. Not  
12 when we were fired, before we were fired.  
13 Q. And what did Alison Sanchez relay  
14 to you that she had told George Hesse and  
15 Ms. Minerva?  
16 A. That they did everything that  
17 they had to do the right way.  
18 Q. And do you have any reason to  
19 believe that that information was incorrect?  
20 A. Well, I don't know what the right  
21 way is. But certainly it wasn't the right  
22 way to let people come on a police  
23 department, work, wear a firearm, a shield  
24 and have a police ID, and go on to the  
25 county range actually, and not even be

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1 F. Fiorillo  
2 certified through Suffolk County Civil  
3 Service.  
4 Q. Do you have any basis to believe  
5 that Alison Sanchez had a desire to see you  
6 terminated from your position, yes or no?  
7 MR. GOODSTADT: Objection.  
8 A. Yes.  
9 Q. Okay. What is the basis for your  
10 belief that Alison Sanchez had a desire to  
11 see you terminated from your position?  
12 A. Because we were -- meaning myself  
13 and the four others -- were the catalysts  
14 for the -- the civilians who were working in  
15 Ocean Beach to, in my opinion, get  
16 certified.  
17 Q. Okay. I'm not asking about your  
18 opinion. I'm asking you what evidence do  
19 you have that prior to your termination, it  
20 was Alison Sanchez's desire to see your  
21 employment terminated?  
22 MR. GOODSTADT: Objection.  
23 That is evidence.  
24 A. Well, it's almost -- to me, it's  
25 like she was -- she, in my opinion --

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1 F. Fiorillo  
2 Q. Again, respectfully,  
3 Mr. Fiorillo, you've told me twice you want  
4 to give your opinion. I understand your  
5 opinion.  
6 A. Okay. I think --  
7 Q. Please, I didn't interrupt you,  
8 sir. I'm going to ask you allow me the same  
9 courtesy now. Let's put the opinions aside.  
10 What evidence do you have? What did  
11 Ms. Sanchez say to you prior to your  
12 termination, what did she do prior to your  
13 termination which led you to believe that  
14 she wished to see your employment  
15 terminated?  
16 MR. GOODSTADT: Objection.  
17 A. She didn't say anything to me.  
18 She did say in the meeting, though, that she  
19 had a discussion with Maryanne Minerva and  
20 George Hesse about us.  
21 Q. And is that the full extent of  
22 what she told you in the meeting about the  
23 discussion at that prior meeting with  
24 Minerva and Hesse?  
25 A. Yeah. Because she said we didn't

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1 F. Fiorillo  
2 have a leg to stand on.  
3 Q. Okay. Did she tell you anything  
4 more about what was discussed at the meeting  
5 she had with Minerva and Hesse, other than  
6 to say there was a meeting?  
7 A. She didn't tell me the contents  
8 of the meeting.  
9 Q. Okay. Did Alison Sanchez do  
10 things to you, prior to your termination,  
11 which led you to believe she wished to see  
12 your employment terminated?  
13 A. She didn't do anything to me  
14 personally.  
15 Q. Did you ever have any discussion  
16 with Alison Sanchez, prior to your  
17 termination, about your employment, yes or  
18 no?  
19 A. No.  
20 Q. Prior to your termination, did  
21 you know who she was as being --  
22 A. Yes.  
23 Q. The Civil Service person  
24 involved --  
25 A. Yes. I spoke to her on the phone

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1 F. Fiorillo  
2 at least three times.  
3 Q. Was that about your employment?  
4 A. No.  
5 Q. Did you ever speak to Alison  
6 Sanchez about your employment, prior to your  
7 termination?  
8 A. No.  
9 Q. Did you ever speak to her prior  
10 to your termination?  
11 A. No.  
12 Q. Do you have any reason to believe  
13 that she bore some animosity toward you?  
14 A. Well, I sense -- I sense it.  
15 Q. When for the first time did you  
16 sense animosity towards you on the part of  
17 Alison Sanchez?  
18 A. When I was in her office. She  
19 didn't even care. It was like she had no  
20 respect -- we were coming in there just to  
21 talk to her, and it was like frivolous for  
22 her to just -- to just entertain us. It was  
23 like very unprofessional, in my opinion.  
24 Q. Prior to your termination, did  
25 she ever do anything or say anything to you

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1 F. Fiorillo  
2 to indicate that she had a personal dislike  
3 for you?  
4 MR. GOODSTADT: Objection.  
5 A. Prior to my termination?  
6 Q. Yes.  
7 A. No.  
8 Q. Now when Alison Sanchez did these  
9 things to you that you appear to believe  
10 were improper, did you complain to Stan  
11 Pelc?  
12 A. I tried calling Stan Pelc and I  
13 spoke to -- I either spoke to Stan Pelc or  
14 Alan Schneider.  
15 Q. What, if anything, did they tell  
16 you?  
17 A. Talk to Alison Sanchez.  
18 Q. Did you inform them that you felt  
19 that her -- she gave you some wrong advice?  
20 MR. GOODSTADT: Objection.  
21 A. Well, I -- when Alison Sanchez  
22 told us that we didn't have a leg to stand  
23 on, we -- I just -- you know, it was like  
24 how could that be? How could that be the  
25 end of the road? It was just too abrupt.

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1 F. Fiorillo  
2 Q. Okay. So what did you do to have  
3 Ms. Sanchez's supervisors review her action  
4 after you became dissatisfied with it?  
5 MR. GOODSTADT: Objection.  
6 He's testified --  
7 A. I didn't. I just took her word  
8 for what it was and -- and went from there.  
9 Q. Well, did you ever call Stan  
10 Pelc?  
11 MR. GOODSTADT: Objection.  
12 A. Yeah, I did.  
13 Q. Was it before or after you met  
14 with Alison Sanchez?  
15 MR. GOODSTADT: We're going in  
16 circles here. He's already answered  
17 when he called him. What the telephone  
18 call was about. What Stan Pelc or Alan  
19 Schneider told him. You asked the same  
20 exact question.  
21 MS. ZWILLING: That's not quite  
22 the case, Mr. Goodstadt.  
23 MR. GOODSTADT: That's exactly  
24 the case. We can have the testimony  
25 read back.

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1 F. Fiorillo  
2 Q. When did you call Stan Pelc?  
3 A. I called Stan Pelc that Monday  
4 after I was fired.  
5 Q. Was that prior to your meeting  
6 with Alison Sanchez?  
7 A. That was prior to meeting with  
8 Alison Sanchez.  
9 Q. Did you call Stan Pelc or attempt  
10 to call Stan Pelc after your meeting with  
11 Alison Sanchez?  
12 A. Then I think I tried calling Alan  
13 Schneider.  
14 Q. My question was about Stan Pelc.  
15 Did you call Stan Pelc or try to call Stan  
16 Pelc after your meeting with Alison Sanchez?  
17 A. No.  
18 Q. Did you call Phil Cohen after  
19 your meeting with Alison Sanchez?  
20 A. I didn't even know who -- to be  
21 honest with you, I never heard the name.  
22 Q. Did you ever call Alan Schneider?  
23 A. Yes.  
24 Q. When?  
25 A. That same day.

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1 F. Fiorillo  
2 Q. What same day?  
3 A. Monday. Monday. That Monday.  
4 Q. Prior to your meeting with Alison  
5 Sanchez?  
6 A. Yes.  
7 Q. Did you ever call Alan Schneider  
8 after your meeting with Alison Sanchez?  
9 A. No. Because after Alison --  
10 after they told me to -- that's why I called  
11 Alison Sanchez. Because she was the one  
12 that handled the Ocean Beach account.  
13 Q. Now it's your belief that Alison  
14 Sanchez was engaged in some sort of  
15 conspiracy along with George Hesse against  
16 you?  
17 MR. GOODSTADT: Just to --  
18 A. I think there was something going  
19 on there.  
20 MR. GOODSTADT: Just to be  
21 clear, are you asking then or now?  
22 Q. You believe it now?  
23 A. Well, I don't -- it's after the  
24 fact. I believe it happened then.  
25 Q. Well, when you walked out of

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1 F. Fiorillo  
2 Ms. Sanchez's office that day, did you think  
3 she was in cahoots or suspect she was in  
4 cahoots with George Hesse?  
5 A. Yes.  
6 Q. And when you walked out there  
7 that day believing she was in cahoots with  
8 George Hesse, what did you do to let Stan  
9 Pelc know that someone who worked beneath  
10 him was conspiring with someone else to do  
11 something illegal?  
12 A. I got to tell you, I didn't do  
13 anything, because I was -- I felt like we  
14 exhausted everything that we could do. But  
15 I just felt it wasn't --  
16 MO MS. ZWILLING: Move to strike  
17 that portion which is nonresponsive.  
18 MR. GOODSTADT: He wasn't even  
19 done yet. He's not even done yet and  
20 you're jumping in on him.  
21 Q. Is it --  
22 MR. GOODSTADT: Finish your  
23 answer. Finish your answer.  
24 MS. ZWILLING: Mr. Goodstadt,  
25 you know --

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1 F. Fiorillo  
2 MR. GOODSTADT: You have to let  
3 him finish his answer. You have to.  
4 Otherwise get on the phone with the  
5 court if you want, and we'll explain to  
6 the court that you're cutting him off  
7 halfway through your -- halfway through  
8 his answer and you're jumping in with  
9 another question.  
10 Let him finish the answer, just  
11 like you yelled at him for jumping in  
12 on your question.  
13 MS. ZWILLING: The reason --  
14 MR. GOODSTADT: Can I finish  
15 now? Now you're interrupting me. Now  
16 you're interrupting me.  
17 MS. ZWILLING: Mr. Goodstadt,  
18 you interrupted me. You interrupted  
19 me. And I also --  
20 MR. GOODSTADT: I interrupted  
21 you because you interrupted my client.  
22 MS. ZWILLING: Go ahead.  
23 MR. GOODSTADT: You didn't let  
24 him finish the answer. If you want to  
25 ever get done here, let him finish his

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1 F. Fiorillo  
2 answers, then you ask your next  
3 question. You can make whatever  
4 motions you want to make and raise them  
5 at whatever time you think it may be  
6 appropriate to raise them in the  
7 future, but we're never going to get  
8 done unless you ask the question, let  
9 him answer the question, and then ask  
10 the question again.  
11 MS. ZWILLING: I can't help  
12 observing, Mr. Goodstadt, that we've  
13 sat here for many hours and you're  
14 taking a rather shall we say different  
15 tone toward me than to other counsel.  
16 MR. GOODSTADT: Because other  
17 counsel, although he made his motions,  
18 when -- when our client asked if he can  
19 explain, he said "yeah, explain to me,"  
20 and he did. He let him answer the  
21 questions.  
22 MS. ZWILLING: Your client can  
23 finish his answer, and then if we need  
24 to narrow it down or a motion needs to  
25 be made, we can do that.

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1 F. Fiorillo  
2 MR. GOODSTADT: That's all I'm  
3 asking for.  
4 MS. ZWILLING: Fine.  
5 A. Can I answer?  
6 MR. GOODSTADT: Finish your  
7 answer. Can you read back his answer  
8 so he can finish it.  
9 (The requested portion was read.)  
10 A. I just felt that there was  
11 something else we could do after that, but I  
12 didn't know what it was at the time. But I  
13 just didn't feel comfortable with just being  
14 fired in one day and there's nothing we  
15 could do about it.  
16 Q. So you felt that contacting Stan  
17 Pelc would be useless?  
18 A. I contacted him. I tried  
19 contact -- I called him first.  
20 Q. Mr. Fiorillo, we're talking now  
21 about after the meeting with Alison Sanchez.  
22 Did you feel that it would be useless to  
23 contact Mr. Pelc after the meeting with  
24 Ms. Sanchez?  
25 A. I felt that after I spoke to

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1 F. Fiorillo  
2 Alison Sanchez, it didn't make any sense to  
3 go -- what I think I was doing was I was  
4 going into a -- it was like a futile effort  
5 because I had no -- it was like I was  
6 going -- chasing my tail. I was going in a  
7 circle.  
8 Q. Okay. So you felt it would be  
9 futile to contact Mr. Pelc after the  
10 meeting?  
11 A. I didn't say that. I said the --  
12 the -- what I was going through was just  
13 not -- it was a futile effort between going  
14 from Alison Sanchez, who tells me I don't  
15 have a leg to stand on, to Stan Pelc telling  
16 me to talk to Alison Sanchez. I mean,  
17 everybody was trying to pass the ball, and  
18 at the end of that meeting with Alison  
19 Sanchez, I was just exhaust -- let me tell  
20 you the frame of mind I was in. I wasn't in  
21 a good frame of mind. I just got fired. I  
22 didn't know what to do.  
23 Q. Did you contact Cynthia DeStefano  
24 after your meeting with Alison Sanchez?  
25 A. No.

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1 F. Fiorillo  
2 Q. Did you contact Phil Cohen after  
3 your meeting --  
4 A. I didn't even know --  
5 Q. -- with Alison Sanchez?  
6 A. No.  
7 Q. Did you contact Alan Schneider  
8 after your meeting with --  
9 A. No.  
10 Q. -- Alison Sanchez? Did you send  
11 any letters or make any phone calls to the  
12 County Executive's office after your meeting  
13 with Alison Sanchez?  
14 A. No.  
15 Q. Did you inform the District  
16 Attorney that you felt that she was in some  
17 sort of elicit conspiracy with George Hesse?  
18 A. I spoke about Alison Sanchez at  
19 the District Attorney's office.  
20 Q. On how many occasions?  
21 A. On the occasion, um -- on one  
22 occasion.  
23 Q. And was that before or after your  
24 meeting with her?  
25 A. That was after.

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1 F. Fiorillo  
2 Q. Who did you speak to in that  
3 time?  
4 A. I spoke to Walter Warkenthien and  
5 Richie Burke.  
6 Q. What did you tell them?  
7 A. I told them about how we were  
8 fired and what we did. We went to Civil  
9 Service and we spoke to Alison Sanchez, and  
10 we were told that, you know, we didn't have  
11 a leg to stand on.  
12 Q. Did you tell the representatives  
13 at that District Attorney's offices that you  
14 felt that Alison Sanchez was in some sort of  
15 illegal conspiracy with George Hesse?  
16 A. I -- I told Walter -- I expressed  
17 my view that, um, Hesse was involved with  
18 Civil Service somehow because the -- the  
19 people who were underneath, um, Alison  
20 Sanchez's, um -- I don't know what you want  
21 to call, um -- control in Ocean Beach as far  
22 as getting them certified, was, um, was  
23 probably the cause of why we were fired.  
24 Q. Okay. I appreciate when you tell  
25 me that you told the District Attorney about

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1 F. Fiorillo  
2 what George Hesse did. But now I'm  
3 asking --  
4 A. But it was --  
5 Q. Please allow me to finish my  
6 question. I'm asking specifically about  
7 what you told the District Attorney about  
8 Alison Sanchez. Did you tell anyone at the  
9 District Attorney's office that you believed  
10 that Alison Sanchez had conspired with  
11 George Hesse to do something illegal? Did  
12 you tell them that?  
13 A. I didn't tell them that in those  
14 words. In your words.  
15 Q. Now when you began your  
16 employment with the Village, did you receive  
17 any letter informing you that you were being  
18 given employment?  
19 A. Did I receive any letter?  
20 Q. Yes.  
21 A. No. I was sponsored by Ocean  
22 Beach. I wasn't -- I didn't, um -- it  
23 wasn't -- I wasn't -- in other words, I had  
24 an interview with the chief.  
25 Q. Did they ever send you a letter

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1 F. Fiorillo  
2 making a formal written offer of employment?  
3 A. Who?  
4 Q. The Village of Ocean Beach.  
5 A. Um, I know I filled out an  
6 application. It might have been in that  
7 application. I'm not sure. I can't -- I  
8 can't be for certain.  
9 Q. I'd like you to take a look at  
10 page 24 of the Complaint.  
11 A. 24.  
12 Q. Specifically paragraph 103, the  
13 last sentence, where it stated "Sanchez made  
14 these false statements with an intent to  
15 deceit Plaintiffs and prevent them from  
16 seeking legal recourse in connection with  
17 their termination." Prior to your meeting  
18 with Alison Sanchez, what were the steps, if  
19 any, that you were planning to take to seek  
20 legal recourse for your termination?  
21 A. Prior to meeting with --  
22 Q. Before you met with Alison  
23 Sanchez, what were the steps, if any, that  
24 you were planning to take to seek legal  
25 recourse for your termination that you refer

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1 F. Fiorillo  
2 to in paragraph 103?  
3 A. Ma'am, I just got fired on a  
4 Sunday and I saw Alison Sanchez on a  
5 Wednesday. So there wasn't much time for me  
6 to do anything from the time that we were  
7 fired to the time that we met with Alison  
8 Sanchez.  
9 Q. Well, at the time you met with  
10 Alison Sanchez, had you planned at that  
11 point to retain an attorney?  
12 A. I didn't -- I have to tell you  
13 the truth, I didn't know what to do. I  
14 didn't know what we had. But when --  
15 after -- after she told us that we had no  
16 leg to stand on, I found that very hard -- I  
17 couldn't accept that.  
18 Q. Okay. Again, I'm focusing now on  
19 the time before the meeting. Had you  
20 decided to retain a lawyer before you met  
21 with Alison Sanchez, yes or no?  
22 A. We -- I got to tell you, we  
23 talked about it prior to meeting with Alison  
24 Sanchez. We didn't know if we could. If  
25 we -- what we were going to do. We just

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1 F. Fiorillo  
2 talked about a lot of things, because it  
3 was -- everything was so up in the air. All  
4 I wanted out of the whole thing was just to  
5 get another police job. That's all I  
6 wanted. I didn't want to go through this,  
7 okay?  
8 Q. So if I understand you correctly,  
9 prior to you meeting with Alison Sanchez,  
10 you had not made up your mind to retain a  
11 lawyer, would that be correct?  
12 A. We didn't -- it wasn't fixed in  
13 stone that, you know, we're going to go out  
14 Monday morning and get a lawyer, because we  
15 didn't even have time to digest this.  
16 Q. Fair enough. When for the first  
17 time did you and the other Plaintiffs make  
18 the decision to seek counsel?  
19 MR. GOODSTADT: Objection.  
20 A. After -- after we met with Alison  
21 Sanchez.  
22 Q. How soon after you met with  
23 Alison Sanchez was the decision made to hire  
24 a lawyer?  
25 A. I don't know the timeline. I



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1 F. Fiorillo  
2 don't know. It was -- it was before -- it  
3 was after that meeting and obviously before  
4 June 30. So in that time period, right then  
5 and there. That was the concentration of  
6 it.  
7 Q. Okay. I'd like you to focus now  
8 on that sentence, again, where you say that  
9 Alison Sanchez prevented you from seeking  
10 legal recourse. Identify for me the steps  
11 Ms. Sanchez took to prevent you from  
12 obtaining legal counsel.  
13 MR. GOODSTADT: Objection.  
14 That's not what the paragraph says.  
15 MS. ZWILLING: Fine. Okay.  
16 Q. Identify for me the steps Alison  
17 Sanchez took to prevent you from seeking  
18 legal recourse?  
19 MR. GOODSTADT: Objection.  
20 Same objection. You're misquoting the  
21 paragraph.  
22 MS. ZWILLING: I'm reading from  
23 it.  
24 MR. GOODSTADT: No, you're not.  
25 MS. ZWILLING: Well, the

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1 F. Fiorillo  
2 question stands.  
3 MR. GOODSTADT: Well, then I'm  
4 going to object to it.  
5 MS. ZWILLING: All right.  
6 Fine. I'll read from it all night if  
7 you'd like. And you can, again, say  
8 you'll get the court on the phone at  
9 7:30 on a Friday night.  
10 Q. Can you identify the steps you  
11 claim Alison Sanchez took to -- and I'm  
12 reading from paragraph 103 now -- "prevent  
13 them" -- meaning you and the other  
14 Plaintiffs -- "from seeking legal recourse"?  
15 What --  
16 MR. GOODSTADT: Same objection.  
17 You're reading half of a sentence.  
18 MS. ZWILLING: Fine. I'll read  
19 the first sentence.  
20 MR. GOODSTADT: Read the  
21 whole -- read the whole sentence and  
22 you'll understand that what you're  
23 saying is not what that paragraph  
24 indicates. It's saying that she made  
25 the statement "and you have no leg to

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1 F. Fiorillo  
2 stand on," with an intent to prevent  
3 them from doing something. She didn't  
4 physically prevent them. She made a  
5 statement to them with the intent to  
6 prevent them from going forward.  
7 That's what paragraph 103 says.  
8 MS. ZWILLING: Again,  
9 Mr. Goodstadt, I can't help but notice  
10 that you're taking a very different  
11 tone with me. Please don't interrupt  
12 me like you did with other counsel.  
13 MR. GOODSTADT: Because your  
14 questions are different. It's a  
15 different set of circumstances.  
16 MS. ZWILLING: I mean, it's  
17 beginning to make me wonder perhaps  
18 there's another reason for it.  
19 MR. GOODSTADT: Woe. Woe.  
20 Woe. You've just now accused  
21 something -- you just accused another  
22 professional of doing something for  
23 another reason. What's the other  
24 reason that you're referring to?  
25 MS. ZWILLING: I said I hope --

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1 F. Fiorillo  
2 MR. GOODSTADT: I want to know  
3 what your basis is.  
4 MS. ZWILLING: I said I --  
5 MR. GOODSTADT: No. No.  
6 You've now accused me on the record --  
7 MS. ZWILLING: That's not true.  
8 MR. GOODSTADT: -- that you  
9 believe there's another reason, other  
10 than the fact that your questions,  
11 particularly the last one which is  
12 taking a sentence, a half of a sentence  
13 out of the Complaint, taken out of  
14 context, you said that you're beginning  
15 to believe that there's another reason  
16 for it. What's the reason that you're  
17 beginning to believe?  
18 MS. ZWILLING: You know, it's  
19 Friday night. It's just about 7:00. I  
20 mean, perhaps we're all getting a bit  
21 testy.  
22 MR. GOODSTADT: I'm not getting  
23 testy. You've accused me now of  
24 something, and I want to know what  
25 you're accusing me of on the record.

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1 F. Fiorillo  
2 MS. ZWILLING: I didn't accuse  
3 you of anything.  
4 MR. GOODSTADT: Yes, you did.  
5 MS. ZWILLING: I'm sorry if you  
6 perceived it that way.  
7 MR. GOODSTADT: You said to me  
8 that you believe that there's another  
9 reason, other than for what I stated.  
10 What's that reason?  
11 MS. ZWILLING: That's not what  
12 I said.  
13 MR. GOODSTADT: Can you read  
14 back what she said, please.  
15 MR. NOVIKOFF: You really want  
16 to --  
17 MR. GOODSTADT: This is a joke  
18 that, on the record, she's accusing  
19 another attorney of having some --  
20 MR. NOVIKOFF: But you've asked  
21 her --  
22 MR. GOODSTADT: -- basis.  
23 MR. NOVIKOFF: You've asked her  
24 to explain. She's given you her  
25 explanation.

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1 F. Fiorillo  
2 MR. GOODSTADT: She hasn't.  
3 MR. NOVIKOFF: Do you need to  
4 review the record? I mean, because I  
5 can guarantee you --  
6 MR. GOODSTADT: I want to know  
7 what basis she's referring to.  
8 MR. NOVIKOFF: Andrew, but I  
9 can guarantee what's going to happen is  
10 the court reporter is going to read the  
11 record back, you're going to make the  
12 same comments to her that you just  
13 made, and counsel's going to make the  
14 same response to you, and you'll be  
15 going in a circle.  
16 MR. GOODSTADT: Right. But  
17 in --  
18 MS. ZWILLING: I'd really  
19 rather not begin making any response.  
20 MR. GOODSTADT: -- she was able  
21 to intimidate or attempt to intimidate  
22 my colleague, Ariel Graff, last week or  
23 a couple days ago, the same is not  
24 going to happen right here. And she's  
25 now accused me of doing something. And

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1 F. Fiorillo  
2 I want to know what she's accusing me  
3 of doing.  
4 MS. ZWILLING: Your colleague  
5 didn't seem to be the least bit  
6 intimidated. Well --  
7 MR. NOVIKOFF: Now you've just  
8 accused her of doing something. Why  
9 don't we --  
10 MR. GOODSTADT: The record is  
11 what it is.  
12 MS. ZWILLING: To say he was  
13 intimidated -- I don't want to say  
14 anything that's going to cast a  
15 dispersion on Mr. Graff, but if you had  
16 been there, you would perhaps take a  
17 different view.  
18 MR. NOVIKOFF: Why don't we --  
19 I don't see much being accomplished  
20 between the two of you.  
21 MR. GOODSTADT: I understand  
22 that. But I've now been accused on the  
23 record by another professional in a  
24 federal court litigation of having some  
25 ulterior motive of making an objection,

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1 F. Fiorillo  
2 and I want to know what that accusation  
3 is. I think I have a right to know  
4 what it is.  
5 MS. ZWILLING: Mr. Goodstadt,  
6 you can have the record read back if  
7 you want, but that was not what I said,  
8 okay? Now can we just finish the  
9 deposition?  
10 MR. GOODSTADT: I would love  
11 to. If you can ask appropriate  
12 questions, then we'll finish the  
13 deposition.  
14 MS. ZWILLING: Okay.  
15 Q. Referring your attention to  
16 paragraph 103, specifically the sentence  
17 that reads "moreover, Sanchez made these  
18 false statements with an intention to deceive  
19 Plaintiffs and prevent them from seeking  
20 legal recourse in connection with their  
21 termination." I would like you to identify  
22 the things that Alison Sanchez did or the  
23 steps she took to "prevent (them) from  
24 seeking legal recourse in connection with  
25 their termination"?

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1 F. Fiorillo  
2 MR. GOODSTADT: Same objection.  
3 You can answer, if you know what she's  
4 even talking about.  
5 A. Ma'am, I'm a little confused on  
6 what just happened, and I don't know -- I  
7 need it to be simplified.  
8 Q. What did Alison Sanchez do to  
9 prevent you personally from seeking legal  
10 recourse in connection with your  
11 termination?  
12 MR. GOODSTADT: Objection.  
13 A. She stated to me that I didn't  
14 have a leg to stand on.  
15 Q. And how did that stop you, if it  
16 did, from getting a lawyer?  
17 MR. GOODSTADT: Objection.  
18 A. Well, at that point in time,  
19 she's Civil Service, so I'm going by what  
20 she's telling me. And she -- she knows  
21 more than I do, because I don't know  
22 anything about Civil Service.  
23 Q. Well, other than that statement  
24 that you don't have a leg to stand on, can  
25 you identify for me all of the other things

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1 F. Fiorillo  
2 she did, if any, to prevent you from seeking  
3 legal recourse for your termination?  
4 MR. GOODSTADT: Objection.  
5 A. I don't believe she told us the  
6 truth.  
7 Q. Okay. And how did that prevent  
8 you from seeking legal recourse for your  
9 termination?  
10 MR. GOODSTADT: Objection.  
11 Q. If it did?  
12 A. Well, ultimately, this is what  
13 happened. When she stated what she stated  
14 to me, that I didn't have a leg to stand on,  
15 I thought that was the end of the road,  
16 because she told me, "That's it. You don't  
17 have a leg to stand on."  
18 Q. But that wasn't the end of the  
19 road, correct?  
20 A. Well, obviously we're here.  
21 Q. Obviously. Now you mentioned  
22 that you had a conversation with someone  
23 from the District Attorney's office who  
24 stated to you I believe -- I believe the  
25 words you used were "I think you need a

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1 F. Fiorillo  
2 lawyer." Who is it that made that statement  
3 to you?  
4 A. Walter Warkenthien.  
5 Q. And when was it he made that  
6 statement to you?  
7 A. When I met with him.  
8 Q. When was that?  
9 A. After -- I'm not quite sure of  
10 the timeline on this. I'm not even -- I  
11 don't even want to guess. I don't -- I  
12 don't even know the timeline anymore.  
13 Q. Was it before or after you  
14 retained Mr. Goodstadt?  
15 MR. GOODSTADT: Objection.  
16 When he obtained us, I mean, A, he's  
17 testified to the best of his  
18 recollection --  
19 MS. ZWILLING: Fine. I'll  
20 withdraw the question.  
21 DI MR. GOODSTADT: When he  
22 actually engaged us, I'm going to  
23 instruct him not to answer for the same  
24 reason as before.  
25 MS. ZWILLING: Fine.

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1 F. Fiorillo  
2 Q. Was that before or after your  
3 meeting with Alison Sanchez?  
4 A. I'm trying to think of -- I met  
5 Walter Warkenthien before, um -- I'm trying  
6 to think. I think the Samuel Gilbert  
7 incident was the first incident when I had  
8 contact with the District Attorney's office.  
9 Q. I'm just trying to place the date  
10 of that remark. Was it made before or after  
11 you met with Alison Sanchez?  
12 A. I can't remember, ma'am.  
13 Q. Was it before or after you spoke  
14 to an attorney for the first time?  
15 MR. GOODSTADT: Objection.  
16 A. Wait a second. Was the -- when  
17 we retained a lawyer, was it after met --  
18 MR. GOODSTADT: She didn't ask  
19 you about retaining a lawyer.  
20 Q. That's not my question. Why  
21 don't I withdraw the question and rephrase  
22 it this way. Was that statement made to you  
23 before or after you or the other Plaintiffs  
24 contacted the firm that's presently  
25 representing you?

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1 F. Fiorillo  
2 MR. GOODSTADT: Objection.  
3 A. I didn't have a lawyer -- I  
4 didn't have a lawyer at the time.  
5 Q. So it was before you contacted  
6 the firm that's presently representing you?  
7 A. Right.  
8 Q. When did you first learn that  
9 George Hesse had boasted about having a  
10 sexual relationship with Alison Sanchez?  
11 A. He said that he took her out to  
12 lunch, and he explained what he did with  
13 her, and that was the first time.  
14 Q. Did he say that to you?  
15 A. Yes.  
16 Q. And what did he say he did with  
17 her?  
18 A. What did he say?  
19 Q. Yeah.  
20 A. He said he had sexual intercourse  
21 with her.  
22 Q. And when did he say this to you?  
23 A. This was in 2005 I believe.  
24 Q. And did you believe him at the  
25 time?

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1 F. Fiorillo  
2 A. Well, George Hesse, if you know  
3 him, he tends to brag about his conquests.  
4 So I didn't doubt him for a minute.  
5 Q. Well, if he tended to brag, why  
6 wouldn't you doubt him?  
7 MR. GOODSTADT: Objection.  
8 A. Say that again.  
9 Q. If he tended to brag, why  
10 wouldn't you doubt him?  
11 MR. GOODSTADT: Objection.  
12 A. Because from what he did in Ocean  
13 Beach, it was well known that who he had sex  
14 with was who he had sex with.  
15 Q. Now do you have any other basis  
16 to believe that he had a sexual relationship  
17 with her, other than that statement he made  
18 to you?  
19 A. No. That's the only -- that's  
20 the only statement.  
21 Q. Did you ever take any steps to  
22 determine who in Civil Service had, um, veto  
23 power over Alison Sanchez's decisions?  
24 A. No, I did not.  
25 MR. GOODSTADT: Objection.

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1 F. Fiorillo  
2 MS. ZWILLING: Nothing further.  
3 EXAMINATION BY  
4 MR. CONNOLLY:  
5 MR. CONNOLLY: I have one  
6 question. Can you hear me?  
7 Q. Mr. Fiorillo, when you  
8 had that -- when you had that conversation  
9 with Mr. Hesse regarding relations -- his  
10 relations with Ms. Sanchez, was anybody else  
11 present?  
12 A. No.  
13 MR. CONNOLLY: I have no  
14 further questions.  
15 MR. GOODSTADT: I have no  
16 questions.  
17 MR. NOVIKOFF: I have, but I'm  
18 not asking them.  
19 MR. GOODSTADT: So this  
20 concludes the deposition?  
21 MR. NOVIKOFF: Yes.  
22 THE VIDEOGRAPHER: This  
23 concludes today's deposition for Frank  
24 Fiorillo on February 20, 2009. The  
25 time is 6:58 p.m. We are off the

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1 F. Fiorillo  
2 record.  
3  
4  
5 FRANK FIORILLO  
6  
7 Subscribed and sworn to  
8 before me this \_\_\_\_\_ day  
9 of \_\_\_\_\_ 2009.  
10  
11  
12 NOTARY PUBLIC  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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1  
2 CERTIFICATION  
3  
4  
5 I, Edward Leto, a Notary Public  
6 in and for the State of New York, do hereby  
7 certify:  
8 THAT the witness(es) whose  
9 testimony is herein before set forth, was  
10 duly sworn by me; and  
11 THAT the within transcript is a  
12 true and accurate record of the testimony  
13 given by said witness(es).  
14 I further certify that I am not  
15 related either by blood or marriage, to any  
16 of the parties to this action; and  
17 THAT I am in no way interested in  
18 the outcome of this matter.  
19 IN WITNESS WHEREOF, I have  
20 hereunto set my hand this ^ ^ day of ^  
21 2009.  
22  
23  
24 -----  
25 EDWARD LETO

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1  
2 ERRATA SHEET  
3 I wish to make the following changes,  
4 for the following reasons:  
5 PAGE LINE  
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7 \_\_\_\_\_ REASON: \_\_\_\_\_  
8 \_\_\_\_\_ CHANGE: \_\_\_\_\_  
9 \_\_\_\_\_ REASON: \_\_\_\_\_  
10 \_\_\_\_\_ CHANGE: \_\_\_\_\_  
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22 \_\_\_\_\_ CHANGE: \_\_\_\_\_  
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24 \_\_\_\_\_ CHANGE: \_\_\_\_\_  
25 \_\_\_\_\_ REASON: \_\_\_\_\_



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FRANK FIORELLO  
February 20, 2009

EDWARD CARTER, ET AL. vs.  
INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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FRANK FIORELLO  
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FRANK FIORELLO  
February 20, 2009

EDWARD CARTER, ET AL. vs.  
INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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FRANK FIORELLO  
February 20, 2009

EDWARD CARTER, ET AL. vs.  
INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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